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New York

President:	Mr. Baja	(Philippines)
Members:	Algeria	Mr. Baali
	Angola	Mr. Gaspar Martins
	Benin	Mr. Adechi
	Brazil	Mr. Valle
	Chile	Mr. Maquieira
	China	Mr. Cheng Jingye
	France	Mr. Duclos
	Germany	Mr. Trautwein
	Pakistan	Mr. Khalid
	Romania	Mr. Motoc
	Russian Federation	Mr. Karev
	Spain	Mr. De Palacio España
	United Kingdom of Great Britain and Northern Ireland	Mr. Thomson
	United States of America	Mr. Cunningham

Agenda

Protection of civilians in armed conflict

Report of the Secretary-General to the Security Council on the protection of civilians in armed conflict (S/2004/431)

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04-38696 (E)

The meeting was called to order at 10.20 a.m.

Adoption of the agenda

The agenda was adopted.

Protection of civilians in armed conflict

Report of the Secretary-General to the Security Council on the protection of civilians in armed conflict (S/2004/431)

The President: I should like to inform the Council that I have received letters from the representatives of Argentina, Canada, Colombia, Côte d'Ivoire, Ecuador, Egypt, Fiji, Ireland, Japan, Liechtenstein, Malaysia, Mexico, Myanmar, Nepal, Norway, the Syrian Arab Republic, South Africa, Switzerland, Uganda and Ukraine, in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, the representatives of the aforementioned countries took the seats reserved for them at the side of the Council Chamber.

The President: In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Jan Egeland, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.

I invite Mr. Egeland to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2004/431, which contains the report of the Secretary-General on the protection of civilians in armed conflict.

In accordance with the understanding reached among Council members, I wish to remind all speakers to limit their statements to no more than five minutes in order to enable the Council to carry out its work expeditiously. Delegations with lengthy statements are kindly requested to circulate the texts in writing and to deliver a condensed version when speaking in the Chamber.

As another measure to optimize the use of our time, in order to allow as many delegations as possible to take the floor, I will not invite speakers individually to take their seats at the table and to resume their seats at the side of the Council Chamber. When a speaker is taking the floor, the conference officer will seat the next speaker on the list at the table.

At this meeting, we will hear a briefing by Mr. Jan Egeland, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator. I now give the floor to the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.

Mr. Egeland: I thank you, Mr. President, for this opportunity to brief the Council on the protection of civilians in armed conflict.

The tenth anniversary of our collective failure to protect 800,000 defenceless men, women and children from the brutal deaths they suffered in Rwanda provides a chilling impetus for us to reflect on ways to better protect vulnerable civilian populations at the height of crises and in their immediate aftermath.

In the intervening years since the Rwanda genocide, civilians have continued to be defenceless victims of conflict, more often than not deliberately targeted by parties to conflicts and subjected to extreme violence and other grave human rights abuse. The impact of long-term conflicts has been particularly devastating. The situation in West Africa has been described as a crisis of protection, due to the widespread sexual violence and other human rights violations, child soldier recruitment, population displacement and restrictions on humanitarian access.

In the Middle East, innocent civilians have been killed and injured by suicide bombings, as well as by missile and other attacks on civilian neighbourhoods and camps. The construction of a barrier through the West Bank is having a profound humanitarian impact

on civilians by separating Palestinian communities from their land, jobs and social services. In the Democratic Republic of the Congo, the recent eruption of fighting in the east has shaken the country's delicate emergence from a brutal eight-year conflict and has compounded what was already a serious humanitarian situation.

These and other protection concerns are outlined in the fourth report of the Secretary-General to the Security Council on the protection of civilians in armed conflict, which I have the honour to present to the Council this morning. The report that we are presenting to the Council this morning is the product of extensive consultations with United Nations departments, agencies and programmes, chiefly through the Executive Committee on Humanitarian Affairs Implementation Group on the Protection of Civilians in Armed Conflict. It also reflects the outcomes of the two roundtables that were held earlier this year of Member States, United Nations departments, agencies and programmes, the International Committee of the Red Cross (ICRC) and key non-governmental organizations on the ten-point platform on the protection of civilians, which I presented at my last briefing in December. I wish to thank the Governments of Canada and Norway for hosting those round tables.

The ten-point platform embodies many of the key issues set out in the broader protection framework provided by the aide-memoire on the protection of civilians in armed conflict. I would like now to summarize some elements of the report and to update members on developments in recent weeks.

First, in ensuring sustained humanitarian access to civilians in need, Governments bear the primary responsibility to provide humanitarian assistance and to protect civilians. It is when Governments do not have the capacity or are unwilling to provide assistance and protection that the United Nations must execute its special role and responsibilities. But we cannot do so when we are denied access to populations in need and when the safety and the security of our personnel are threatened.

In 20 conflicts around the world humanitarian access is either denied or obstructed. I believe that there are at least 10 million people in the world in need of food, water, shelter, medical care and the basic means for survival, to whom we have no access.

In the Darfur region of the Sudan we are currently in a desperate race against the clock to save more than a million civilians displaced by indiscriminate violence, who are now threatened with starvation and disease. As an international community, we are late in responding to this crisis. We were largely prevented from entering Darfur with our relief workers until the past few weeks. We are making progress in terms of food and shelter, but we are desperately behind in other sectors. We may need the Council's help, especially in getting into Darfur water and sanitation equipment and other key non-food relief supplies. We are also deeply concerned that attacks on civilians in Darfur are continuing, despite the commitment made by the parties to the N'djamena humanitarian ceasefire agreement to refrain from any act of violence or other abuse against civilian populations, particularly women and children. The deployment of observers by the African Union and the United Nations High Commissioner for Human Rights (UNHCHR) will be critical to the monitoring of the situation.

My second concern, safeguarding the security of its humanitarian personnel, remains a key challenge to the United Nations and its humanitarian partners. The past 18 months have witnessed ongoing threats and horrific attacks against humanitarian personnel in many conflict situations, including Afghanistan, Chechnya, Côte d'Ivoire, Iraq, Liberia, the occupied Palestinian territories and the Sudan. Humanitarian workers have also been specifically targeted in Somalia, where five staff members of international non-governmental organizations have been killed in the past six months.

Religious and cultural leaders may have an important influential role in protecting humanitarian work, in taking a strong stand on the protection of civilians in armed conflict and in condemning the attacks against humanitarian workers. In the past two weeks alone, we have seen further examples of the disturbing trend of blatant disregard for humanitarian principles and deliberate targeting of humanitarian workers for political or tactical purposes. In Afghanistan, on 2 June, five humanitarians from the Dutch branch of Médecins sans Frontières were shot dead in an ambush in north-west Afghanistan. On 3 June, 16 humanitarian workers were detained by the Sudanese People's Liberation Movement for three days. In recent days, in the eastern Democratic Republic of the Congo, staff from United Nations

humanitarian agencies and their non-governmental organization partners were attacked and their offices and equipment destroyed or damaged.

By further restricting humanitarian access, these acts ultimately aggravate the suffering of the civilian population. A sustained humanitarian presence to provide protection and assistance wherever needs exist is fundamental to our humanitarian mandate. For humanitarian agencies to continue to work effectively, we will need to reinforce collective approaches to protection and security coordination. The perpetrators of attacks on humanitarians must be held accountable, as affirmed in Security Council resolution 1502 of August 2003.

My third concern is the need to better protect women and children in armed conflict. In Côte d'Ivoire, the Democratic Republic of the Congo, Haiti, Liberia, northern Uganda and other conflict situations, sexual violence and other particularly abhorrent human rights abuses against women and children have been committed on a horrifying scale. Rape continues to be used as a brutal weapon of war. A particularly terrifying consequence that many face is the spectre of HIV/AIDS. According to reports, in numerous villages and displacement camps in Darfur, women and children have been systematically raped. In the Democratic Republic of the Congo, brutal sexual violence has once again devastated the lives of women and children during the recent eruption of fighting. Beyond the devastating physical, psychological, emotional and social trauma suffered by the women and children who are brutally attacked, these egregious crimes undermine cultural values and community relationships and can destroy the very ties that bind society together. Extraordinary protection measures are needed.

In such violent and distressing circumstances, peacekeepers and United Nations staff must demonstrate exemplary personal conduct and behaviour. The deeply disturbing issue of sexual exploitation and abuse of women and children in armed conflict by United Nations affiliated personnel demands our urgent attention. These acts do irreparable damage, both to the image of the United Nations and — more importantly — to our ability to serve and protect war-torn societies. Following the promulgation of the Secretary-General's bulletin last October, prevention and protection measures at the field level are beginning to be implemented. In order to be truly effective, these efforts need to be reinforced by demonstrated action on the part of personnel-contributing countries, including punitive measures against offending personnel. I encourage the Security Council to urge personnel-contributing countries to cooperate fully in this effort.

My fourth concern is the plight of refugees and internally displaced persons. The fact that a staggering 50 million people worldwide have been displaced from their homes by conflict is one of the most pressing protection concerns we currently face. In Colombia, in May, I saw the poverty of two million displaced people. Their safety has been further jeopardized by a dramatic increase in the use of landmines by rebel groups. The number of internally displaced persons in Ingushetia in the Russian Federation has decreased in recent years, from 250,000 to 50,000. As these civilians return to Chechnya, however, new protection needs arise. Civilians living in refugee and internally displaced camps are vulnerable to attack by armed groups. Only late last week, the Lord's Resistance Army (LRA) mounted another brutal attack on civilians living in an internally displaced persons camp in northern Uganda. This is the fourth attack on internally displaced persons camps in as many weeks, attacks that have left more than 120 people dead, mostly women and children. These deplorable attacks by the LRA must end. I also call on the Government of Uganda to redouble its efforts to protect internally displaced persons and other civilians and to do more to seek reconciliation and dialogue that can demobilize and reintegrate the child soldiers who now cause so much suffering.

In several countries, armed elements infiltrate refugee and internally displaced persons camps in order to recruit or abduct men, women and children for military and other purposes and to steal food and other goods, endangering not only the inhabitants of the camps but also the host communities. The infiltration of armed elements and combatants blurs the civilian character of camps and exposes civilian populations to the increased likelihood of attack by opposing forces. This problem must be addressed through the identification, separation, disarmament and internment of the combatants. I am pleased to report that the Office of the United Nations High Commissioner for Refugees (UNHCR) convened an expert meeting in Geneva from 9 to 11 June on maintaining the civilian and humanitarian character of asylum. This expert group is formulating standards, principles and, most importantly, tools for use at the field level to assist host

countries and other relevant actors to manage this important and sensitive security issue.

My fifth point concerns issues related to compliance and impunity. Violations of international humanitarian and human rights law characterize today's armed conflicts. In too many conflicts around the world, these crimes continue to be committed with total impunity. Perpetrators must be brought to justice, and potential perpetrators must be deterred.

It is encouraging that the Security Council has recognized the importance of strengthening the legal framework that underpins the protection of civilians. Later this year the United Nations will hold a treaties event — Focus 2004 — that will concentrate on multilateral treaties relevant to the protection of civilians. I wish to echo the Secretary-General's recent call to Member States to demonstrate their commitment to the central role of the rule of law in international relations and to the protection of civilians by using the occasion of Focus 2004 to sign, ratify or accede to these treaties.

My final concern is "forgotten" emergencies. Political interests, strategic priorities and the media spotlight create enormously disproportionate responses to humanitarian and protection crises. Experience shows that skewed flows of humanitarian funding for complex emergencies undermine protection and assistance to civilians in need.

Sadly, it is often in the forgotten emergencies that the risks to civilians are greatest. For example, Somalia has remained off the international community's radar screen for some time now, yet the protection concerns in that country are grave. The continuing factional fighting is causing daily civilian casualties. Access to populations in need is increasingly restricted and increased flows of illegal arms further exacerbate the suffering of civilians. The absence of governance for the last 13 years has created a vacuum in terms of protecting civilians in Somalia. International action is needed. In the Central African Republic, restrictions on access and lack of resources continue to deny life-saving assistance to some 2.2 million people. In Guinea, lack of funding has prevented effective humanitarian assistance from being provided to displaced people, returnees and host communities. I encourage the Security Council to consider the links between the maintenance of international peace and security and inadequate funding in certain crises.

When confronted with challenges of this magnitude, it is important to recognise that progress depends on incremental change. In the five years since the Security Council adopted its first resolution on the protection of civilians in armed conflict, some progress has been made. Peacekeeping mandates have been broadened and have a stronger protection focus. These mandates have been complemented by swifter deployments of peacekeeping troops when needed to avert an immediate crisis of protection and to restore order. We should be encouraged by the real efforts being made at the regional level to start to address the protection of displaced persons and other civilians, particularly in Africa, where the problems are grave. The African Union and the Economic Community of West African States are making concerted efforts to systematically incorporate these issues. Their work can only be further consolidated by the work undertaken by the New Partnership for Africa's Development. In addition, the humanitarian operational response to protection concerns on the ground has been extensive, the policy framework has been strengthened and there is now stronger inter-agency coordination and collaboration within the United Nations system.

But as long as civilians continue to constitute the majority of victims in situations of armed conflict, this progress is not nearly enough. The establishment of the culture of protection called for by the Secretary-General is still a distant goal. The Security Council is the United Nations principal mechanism for the promotion of peace and security around the globe. The humanitarian community administers to victims in the absence of peace and security. Our roles are intricately and fundamentally linked and it is for this reason that I appreciate the commitment that the Council has shown to the protection of civilians agenda by establishing regular dialogue on this increasingly important issue.

We must, at the same time, be honest about what we achieve and when we fail. In northern Uganda, the abduction and killing of children by children is worse today than when I last spoke on this subject before the Council in December. In Darfur, the crisis for hundreds of thousands of civilians is deepening by the day. We need to find better ways to provide humanitarian assistance quickly and efficiently, as soon as the security situation on the ground allows, whenever civilians are in desperate need.

We believe that the time is right for the Council to consider adopting another resolution on the

protection of civilians in armed conflict. It has been four years since the Security Council adopted its most recent resolution. We should now update resolution 1296 (2000) in order to reflect the important developments that have taken place over the past four years and to support further measures to improve the protection afforded to civilians in times of armed conflict. The Secretary-General's report sets out a number of recommendations to this end. Measures that we believe would enable us to assist the Council in its response include more systematic information on key protection issues and earlier reporting on situations of concern so that humanitarian and protection support can be provided as efficiently as possible.

The dire consequences of the failure of each of us to speak out and act were tragically illustrated by the genocide that took place in Rwanda 10 years ago. There is no substitute for the willingness to act if we want to transcend the cycles of armed conflict and to provide civilian men, women and children with a life free from violence, suffering and fear.

Mr. Motoc (Romania): I wish first to warmly congratulate you, Sir, and the Philippines presidency on convening this meeting on a highly topical matter. Our appreciation also goes to Under-Secretary-General Jan Egeland for his telling briefing.

I would like at this stage to mention that Romania associates itself with the statement to be made by Ambassador Ryan of Ireland on behalf of the European Union.

We welcome the Secretary-General's report. It provides us with an accurate representation of the situation on the ground. It bears confirmation of the performance and progress in the humanitarian work the United Nations and its partners have put together since the Secretary-General's last report. It is nonetheless evident that the facts we are dealing with remain disturbing. Although the protection of civilians in armed conflict is at the core of our work in the Security Council, the facts alone prove that we need to say and do more.

This Council has made an important number of commitments to the protection of civilians in armed conflict and identified certain priorities which are addressed in the report before us. Nevertheless, we are forced to adjust the ways we address the problem by the ever-changing picture of the conflicts we deal with today. Asymmetric warfare, which has tended to replace the conventional form of conflict, challenges our approach to peacemaking and burdens the Security Council with the effort to come up with new solutions each and every time we deal with a new actor and weapon of war. For instance, the emergence of non-State actors presents us with a difficult choice: either the United Nations must open channels of dialogue in order to engage in negotiations on humanitarian issues, thus legitimising groups with sometimes dangerous agendas, or it must keep its distance, thus relinquishing the possibility to exercise positive leverage.

Maybe the most outrageous evidence of the changing nature of conflict is that civilians are no longer just incidental victims of armed conflicts, but have become targets and even tools in warfare. Acts such as terrorism and sexual violence against women and children shock our collective conscience and ultimately keep this Council, as the actor responsible for the maintenance of world peace and security, permanently engaged in the search for better ways to protect civilian populations. Furthermore, we are confronted with situations in which targeting United Nations and non-governmental humanitarian workers has become a tactical move frequently resorted to by factions engaged in conflict. Since a sustained humanitarian presence and unrestricted access to civilians in areas of conflict are sometimes fundamental for the very survival of those civilians, the Council must make sure that the security of humanitarian personnel is guaranteed by all parties engaged in armed conflict. We take this opportunity to reaffirm the importance we attach to the 1994 Convention on the Safety of United Nations and Associated Personnel. We shall support every effort to expand the application and scope of its provisions.

In observing transitions from conflict to peace and moving from one conflict to the next, we perceive new trends and become aware of new needs related to the protection of civilians. We have constantly defined new threats to civilian populations, including the most vulnerable — women and children — and have fostered attempts to come up with proper answers — often on a case-by-case basis — to protect them. Every conflict is a milestone in this effort and teaches us new lessons. The Council has the obligation to adjust its response accordingly.

First, we must strengthen norms and ensure their proper implementation. The Security Council must make sure that parties to a conflict are pressured to comply fully with the provisions of the Charter and the

rules and principles of international law, in particular international humanitarian, human rights and refugee law, and to implement fully the relevant resolutions of the Council. The Council must demonstrate its will to condemn and take action in every situation where breaches of law deprive civilians of their rightful protection and to ensure that those acts are properly addressed and do not go unpunished. The same applies to United Nations personnel. The Security Council must remain vigilant and take action to ensure that United Nations humanitarian personnel do not inflict further harm on civilians in areas of conflict. The Council's mandates for peacekeeping missions must incorporate the minimum standards of behaviour set out clearly in the Secretary-General's bulletin of October 2003 (ST/SGB/2003/13).

Secondly, although responsibility for protecting citizens rests with States, and the work of the United Nations is complementary to such efforts, it is up to the Security Council to intervene when Governments are unwilling or unable to take responsibility for protecting civilians in armed conflicts. We must assign the international community a role. Romania has always been a strong supporter of the United Nations entrusting regional organizations with the mandate of taking up this agenda and with bringing to fulfilment the tasks attached to it.

We are of the opinion that, in order to better calibrate the Council's answer to the evolving environment of conflicts and to build a viable system of protection with respect to the issues of disarmament, demobilization, reintegration and rehabilitation, as well as to the problems of refugees, internally displaced persons and small arms, the Council must think of the regional dimension and engage the United Nations in mutually beneficial cooperation with regional organizations. Romania would certainly like to see better coordination and partnership between the United Nations and regional organizations on the safe return and the reintegration of refugees and internally displaced persons in the post-conflict situation in Kosovo.

In arriving at the proper answer, we acknowledge that the input of the Secretariat is essential for the improvement of the Council's analysis and decision-making. We are appreciative of the Secretariat's work, and we welcome any further advice or recommendations on the matter.

Mr. Maquieira (Chile) (*spoke in Spanish*): At the outset, I would like to thank you, Mr. President, and the delegation of the Philippines for convening this important meeting on the protection of civilians in armed conflict.

I also thank Mr. Egeland, who has presented an excellent and comprehensive report of the Secretary-General (S/2004/431) on an issue of such importance to the Council's work.

The protection of civilians in armed conflict is one of the most important issues on the Council's agenda because of its close and binding link with the maintenance of international peace and security and because, directly and concretely, it provides effective peace and security to millions of people, including children, women, the elderly and all individuals who are the passive victims of the multiple forms of violence that arise in armed conflict.

As noted in the report of the Secretary-General presented to the Council this morning, over the five-year period since the Secretary-General initiated the discussion on this issue, there has been significant progress in understanding and forging a systematic approach to the problems and needs in this field. The recommendations, norms and tools that now exist, and which provide for due attention and solutions, are now taken into account by the Security Council in the mandates for peacekeeping operations contained in its resolutions.

Among the concrete advances made during the 18-month period covered in the fourth report of the Secretary-General, the mandates of peacekeeping operations have been broadened, enabling their forces to physically protect civilians under threat of violence. In addition, those forces can now be deployed more swiftly when their presence is needed to avert an immediate crisis of protection and to restore order. Such action improves the speed and quality of the response to crises, thanks to increased contributions for those operations.

The progress also includes a broader and deeper understanding of the painful and persistent nature of the situation civilians face in armed conflict. As noted in the report of the Secretary-General, the greater experience and understanding acquired warrants reflection on those areas where the measures taken still fall short of needs. That remains a great challenge for the Security Council's work in this field, as well as for the Secretariat and the Members of the Organization.

In that connection, there are some specific aspects of the report presented by Mr. Egeland that we want to underline in order to contribute to this important discussion, for which meetings such as the present one are very useful.

Without doubt, the United Nations focus on the protection of civilians in armed conflict has strengths and weaknesses. One of its strengths is the fight against impunity through the creation of special tribunals and, most fundamentally, the International Criminal Court. The timely use of those instruments and of other measures recommended by the Office for the Coordination of Humanitarian Affairs could be very useful for fighting impunity.

Another relevant question is how to promote responsibility among non-State armed groups. This is a question of extraordinary complexity and presents serious dilemmas. At the same time, we all know that when a conflict erupts, non-State actors disregard their responsibilities and obligations under international humanitarian law and cause grave and systematic violations of human rights and international humanitarian law and impede access to humanitarian assistance.

The Council has done a great deal. It has demonstrated its ability in preventive action and its effectiveness in tackling the humanitarian consequences of conflicts. However, a complex situation arises during the conflict. There is no doubt that the Council, by consistently including very specific demands in its resolutions directed to those groups, is moving the process forward. However, there is a clear need to do more.

At the same time, as the Office for the Coordination of Humanitarian Affairs has noted, interaction with those actors has yielded mixed results. We await with interest the outcome of the work of the inter-agency working group on best practices on that question, which continues to be the main challenge for the United Nations in terms of improving protection for civilians. There can be no doubt that other measures must be developed — timely visits on the part of the Coordinator or the High Commissioner for Human Rights, as well as other initiatives that do not convey recognition or legitimacy yet contribute to reducing or eliminating threats to the civilian population.

Another important topic we deem important is the shift made by civilians or victims of a conflict to combatants or actors in that same conflict, which can happen in the absence of adequate safeguards. That is another area that requires greater and more detailed analysis and consideration by the Secretariat, which would provide a basis for making recommendations and enhancing the work of the Security Council in that area.

I will conclude by reiterating Mr. Egeland's call for the Council to adopt a resolution in this connection, following up on resolutions 1265 (1999) and 1296 (2000), which would address the new elements contained in the report, as mentioned by Mr. Egeland. It also seems important for the Security Council to take measures to implement its prior commitments in the area of the protection of civilians with respect to the resources needed and on the basis of the situation of civilians as described in the reports of the Secretary-General on countries in crisis.

The Council could also consider other measures. For example, interested countries or groups of friends interested in the protection of civilians in armed conflict might follow up on the decisions adopted by the Council in that connection.

Mr. Cunningham (United States of America): We welcome the Secretary-General's report, and I would like to thank Under-Secretary-General Egeland for his excellent briefing this morning. It paints a disturbing picture that we know all too well.

Safeguarding civilians from the devastating effects of armed conflict is fundamental to the precepts of the United Nations Charter. Our fondest wish would be that the international community could more effectively protect civilians from dangers arising from military operations. There is much that we can do to achieve that goal. The international community is improving its efforts, and we welcome again the Secretary-General's report in that regard.

The Secretary-General and the Office for the Coordination of Humanitarian Affairs have provided us with a useful status report of the current situation and good direction for the way ahead. Much depends, however, not on what we say or do here, but on what Governments do to protect their own people or to allow others to help.

As the Secretary-General's report notes, the ongoing crisis in Darfur is profoundly affecting civilians: 30,000 have already died; 125,000 have

become refugees; and another 1 million have been internally displaced. The situation in Darfur has rightly been called the greatest humanitarian disaster today. The situation there illustrates the importance of several of the areas the Secretary-General highlighted as needing continuing focus: humanitarian access, security of humanitarian personnel, refugees and internally displaced persons, women's and children's issues, and small arms and light weapons.

There have been serious problems with humanitarian aid and workers being allowed into Darfur, although the Government of Sudan's decision to waive visa and permit requirements has started to improve conditions. Unfortunately, the Government continues to deny release of vehicles needed by humanitarian relief agencies. It has also, in some cases, denied release of the radio equipment needed for workers to securely deploy to remote areas to deliver aid.

In addition, the Government has delayed food shipments from Port Sudan, potentially to the point of making the food useless. These bureaucratic obstructions, in conjunction with the beginning of the rainy season, make it imperative that the aid community stockpile food and supplies.

Darfur also highlights issues related to refugees and internally displaced persons and the special needs of women and children, which the Secretary-General raised in his report.

The opportunity for more peacekeeping operations can increase the likelihood of mitigating the impact of a conflict on civilians. However, there is a strain on capacity and on budgets. We need to ensure that, even with the strains on the system, United Nations personnel always live up the highest standards.

In regard to the disturbing abuses committed by United Nations personnel, my country welcomes the Secretary-General's bulletin on special measures for protection from sexual exploitation and sexual abuse, and looks at that bulletin as a step in the right direction towards addressing the problem.

The United States believes that solutions to the problem of the illicit trade in small arms and light weapons must be practical and effective. My country strongly supports arms export and import controls, including strict regulation of arms brokers, restraint in trade to regions of conflict, strict observance and enforcement of Security Council embargoes, destruction of excess weapons, and measures to ensure the security of arms stockpiles.

Member States bear the primary responsibility to ensure that legal exports are not diverted into illicit arms flows or used to commit human rights abuses. They are responsible for meeting their obligations under international law.

In closing, the United States reiterates support for the efforts made by the United Nations to protect civilians from the dangers arising from armed conflict. We encourage the Secretary-General, Under-Secretary-General Egeland and other key actors in the United Nations system to continue the dialogue on how United Nations organs can better work together with States to promote protection and to present country-specific recommendations for the Council's consideration.

Mr. Benmehidi (Algeria) (*spoke in French*): May I first of all thank the Secretary-General for his fourth report on the protection of civilians in armed conflict and Mr. Egeland for his presentation.

Beyond the 18-month reference period covered by the report, this debate offers the Security Council a good opportunity to undertake a five-year evaluation of the progress achieved since 1999 in an area that is closely linked to the maintenance of international peace and security.

In spite of the gaps that still remain, important progress has been achieved in the area of protection, and we deem it appropriate to evaluate these achievements as part of the follow-up to the Millennium Declaration and of the major efforts under way to adapt the Organization's response to the challenges we face.

We are thinking in particular of the achievements resulting from the progressive implementation of the recommendations of the Brahimi report on peacekeeping operations; of the progress achieved towards curbing impunity; of better-structured conflict-prevention efforts, in particular the establishment of ongoing relationships with regional organizations, pursuant to Chapter VIII of the Charter; and overall progress made in the reform of the Organization.

Hence the first report of the Secretary-General on protection of civilians, drawn up in September 1999 at the request of the Security Council, and the interaction between the two bodies which followed has had a structuring effect in that field which we feel is

important to emphasize. At various stages, those exchanges have enabled the Organization to set up sophisticated inter-institutional mechanisms and multidisciplinary, better-planned peacekeeping operations in order to address this very complex issue.

Indeed, major concerns in the area of protection are more systematically highlighted in the resolutions of the Security Council, and they are given increased importance in the mandates of United Nations operations. They pertain to deliberate attacks against civilians, the phenomenon of sexual violence against vulnerable groups, humanitarian access, or even to the disarmament, demobilization, reintegration and rehabilitation process, which remains the key element of the transition to peace.

Furthermore, the more rapid deployment of United Nations peacekeeping forces or of United Nations-authorized forces have concretized the idea of preventive deployment, which is part and parcel of the progress achieved in terms of a regional approach to conflicts, with a view to fully understanding the regional dimension of the protection of civilians in many cases. This concern is conspicuously reflected in decisions taken with regard to disarmament, demobilization, reintegration and rehabilitation and cross-border movements of refugees, combatants and small arms and light weapons.

But this undoubted progress should not conceal the many remaining gaps: the physical and legal protection of civilian populations caught in the grip of war remains a long-term undertaking. The very persistence of conflicts illustrates our collective failure in meeting the objective of ensuring that a culture of prevention prevails over a culture of reaction. Indeed, far from decreasing over the past five years, the number of persons eligible for protection has risen from 30 million to 50 million. The high number of people to be protected, the complex nature of crises and exacerbating factors — inter alia, arms trafficking, illegal exploitation of natural resources and the use of mercenaries — combine to target non-combatants and have caused a considerable rise in the resources needed to address this issue.

On a number of occasions in recent years, the international community has shown its determination to react to emerging crisis situations quickly and with the appropriate resources by providing peacekeeping operations with robust mandates. In our view, it must be equally determined to provide an appropriate level of resources when it can be predicted that needs will increase pending the positive results of preventive action, for which we all hope. We are particularly concerned that an appropriate level of resources will make it possible to maintain what has been achieved with regard to the regional approach to protection, the burden of which continues to weigh essentially on States neighbouring conflict areas and on subregional organizations whose primary purpose is not the maintenance of international peace and security.

Moreover, the increasingly compromised immunity of United Nations and humanitarian personnel is a disturbing development requiring that the mandates and capacities of peacekeeping operations be strengthened. And, above all, that development raises the issues of respect for international humanitarian law and of the impunity enjoyed by those who violate it.

In that connection, my delegation agrees with the Secretary-General about the crucial importance of propagating the norms of international law and of ensuring that belligerent parties respect them. We support his recommendation that non-State armed groups be made to comply with them. We also welcome the balanced approach of the report (S/2004/431), which recognizes that human rights violations can be the acts of non-State armed groups — contrary to the previous fixed view that these could only be the work of States.

The primary task of United Nations peacekeeping forces must be to reassure and protect civilians, and it essential that their behaviour towards civilians — especially women and children — meet the highest standards of respect for the law. Here, the Secretary-General's bulletin must be applied quickly and effectively.

Finally, my delegation wants to note and deplore a major gap in the report of the Secretary-General that could hinder attainment of the objective of respect by all for international humanitarian law: the protection of civilians in territories under occupation, which the report addresses only incidentally, and, in the case of occupied Palestine, with blameworthy mildness considering the seriousness of the subject before us. There is no need to prove that, during the period covered by the report, massive, frequent and deliberate violations by Israel of the rights of Palestinian

populations under occupation have at times reached unprecedented levels — in the full sight of the international community.

In the view of my delegation, the first line of defence for international humanitarian law and for the 1949 Geneva Conventions that underpin it is to be found in occupied territories, particularly in the occupied Palestinian territories, whose tragic situation calls on the international community to take measures to warn the Government of a Member State, Israel, which has been clearly identified — and which, moreover, does not even try to deny its responsibility for the whole gamut of crimes and violations that the Office for the Coordination of Humanitarian Affairs consistently outlines in its reports, including the targeted and deliberate killing of humanitarian personnel. The situation in occupied Palestine is so serious that it could have a negative effect on the international community's credibility as it strives to ensure respect for humanitarian principles everywhere, to further the protection of civilians.

There is no doubt that, with respect to the sensitive question of impunity, its credibility and that of the humanitarian community are being sorely tried by the double standard employed to Israel's benefit. Today's debate is a another opportunity for the Security Council to begin the necessary readjustments, without which the firm message it wishes to send to recalcitrant Governments and armed groups will be considerably softened.

Mr. De Palacio España (Spain) (*spoke in Spanish*): We thank the Philippine presidency for the opportunity to discuss the protection of civilians in armed conflict. We welcome the report of the Secretary-General (S/2004/431) and are particularly grateful to Under-Secretary-General Egeland for introducing it; we congratulate him on the work of his Office aimed at improving the protection of civilians in armed conflict.

Since the first report of the Secretary-General to the Security Council on the protection of civilians in armed conflict (S/1999/957), five years ago, there has been progress in the institutional sphere and in the coordination of the Organization's protection efforts. In its resolutions the Security Council has taken great care to identify key issues related to the protection of civilians, with a view to finding solutions. The promotion of what has been called a culture of protection has been reflected in many activities of the United Nations system aimed at enhancing the physical and legal protection of civilians. Spain, to be sure, has supported this process in the framework of international and national legislation and has supported the 10-point platform presented here by Mr. Egeland in December 2003, which continues to be our basic reference point.

Yet all those efforts have not yet met the real needs with respect to the protection of civilian populations in armed conflict. The growing number of conflicts poses a vast protection challenge. At the same time, as the report of the Secretary-General notes, the increased number of humanitarian actors is a new factor highlighting the need to bolster United Nations system activities to protect civilians.

We reaffirm the general principles that are basic to the protection of civilians: providing humanitarian access to vulnerable populations, the denial of which has devastating effects, as in the case of Darfur; separating civilians from combatants; restoring the rule of law; ensuring that justice prevails; and achieving reconciliation.

All the actions proposed in the report, if they are undertaken in an effective way, would be of great importance in improving the protection of civilians. But, in the light of the brief time at our disposal, my delegation wishes to highlight three elements that we think are of particular importance.

First, we must stress the need for cross-cutting integration of the protection of civilians in armed conflict into all United Nations activities. I am not speaking only of the need to improve the coordination process; improvement has begun to occur and, as noted, is yielding positive results. Such coordination also requires an effort to ensure that the protection of civilians is not viewed as an isolated issue that lies within the sole purview of the humanitarian sector. Protecting civilians means not only ensuring their survival, but also ensuring that they fully enjoy their human rights and fundamental freedoms. Attaining that objective requires an endeavour that cuts across the entire system.

In addition to actors in conflicts, United Nations civilian and military personnel have a special responsibility. I wish to emphasize the importance of the plan of action adopted by the Inter-Agency Standing Committee — which established six basic

principles as the minimal norms of conduct for United Nations civilian personnel — and the need for its fuller implementation. At the same time, ensuring the security of humanitarian personnel must continue to be a priority, because acts against them are simply an indirect and grave way of preventing assistance and of jeopardizing the protection of civilians in conflicts. In that connection, we unreservedly support the swift adoption of provisions to supplement the 1991 Convention on the Safety of United Nations and Associated Personnel.

Secondly, we must focus efforts on protecting the most vulnerable of the vulnerable — that is, women and children — particularly against sexual exploitation and abuse. Regrettably, the efforts made in recent years have not had all the desired effects. The participation and utilization of children in armed conflict are alarming. More than 300,000 children under the age of 18 are directly involved in conflicts, in addition to those recruited to transport weapons or to act in collaboration with adult soldiers. In that connection, it is more than necessary that we integrate experts into peacekeeping operations to ensure genuine protection of women and children.

But such a measure is not sufficient either. We must improve the specific tools to ensure that the protection of women and children is a priority, including in the process of disarmament, demobilization, reintegration and rehabilitation. Demobilization and reintegration are impossible without disarmament. Therefore, the Security Council must continue to seriously consider more dynamic disarmament measures aimed at limiting violence against civilians — particularly the most vulnerable — in post-conflict phases. Moreover, during transitions to post-conflict normalization, we must swiftly restore services for public order — such as police, courts and prisons — to help civilians return to a degree of normal life and to prevent abuses against the civilian population. That could prevent many such cases once the conflict has ended.

Thirdly and finally, it is imperative that we put an end to impunity. It is the responsibility of all States to implement the commitments they undertake with the ratification of international instruments. In that connection, my delegation fully supports the appeal made by the Secretary-General in his report (S/2004/431) to ratify or adhere to the Statute of the International Criminal Court and to treaties on international humanitarian law and human rights, including refugee rights. We support the ongoing work of the various international criminal tribunals established by the Security Council. However — and perhaps more important for us — the primary and fundamental responsibility of pursuing and prosecuting criminals belongs to the States in whose territories crimes against civilians are committed. That is why we believe national criminal justice systems must be improved. A special effort must be made to guarantee respect for those norms by groups of non-State actors and to ensure humanitarian access, which is regarded as a fundamental right of civilians in conflict situations. Furthermore, we strongly support the Security Council's decision to appoint a Special Adviser on the Prevention of Genocide and other particularly grave crimes.

In short, cross-cutting consideration of the problem of the protection of civilians, special protection of the most vulnerable — women and children — and putting an end to impunity are essential elements of developing a culture of protection — elements to which the United Nations must continue to devote particular attention.

Mr. Gaspar Martins (Angola): Let me start by thanking you, Mr. President, for convening this important debate on protection of civilians in armed conflict. I would also like to thank Under-Secretary-General Egeland for his very good briefing on the fourth report submitted by the Secretary-General to the Council on the protection of civilians in armed conflict (S/2004/431). Moreover, judging from the number of delegations that have decided to join this debate, the convening of this meeting is good and timely.

The Security Council has made a number of important commitments to the protection of civilians in armed conflict, especially by adopting resolutions 1265 (1999) and 1296 (2000). In line with resolution 1296 (2000), mandates of peacekeeping operations have been broadened to allow missions to protect civilians under imminent threat of violence, as seen in the mandates of the United Nations Mission in Sierra Leone (UNAMSIL), the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), the United Nations Operation in Côte d'Ivoire (UNOCI) and the United Nations Operation in Burundi (ONUB).

However, despite the progress so far achieved on the protection of civilians, the implementation of the

recommendations contained in the road map set out in the report submitted in 2002, as requested by the Security Council, is not yet satisfactory. Armed conflicts still affect millions of civilians around the world, but especially in Africa, and too often, the principal victims of armed conflict are women and children, on whose shoulders lie the future.

The foundation of the responsibility for protecting civilians should be based on specific responsibilities: the responsibility to prevent, which implies the need to address both the root causes and the direct causes of armed conflict and other man-made crises putting civilians at risk; and the responsibility to rebuild, which means full assistance with recovery, reconstruction and long-term reconciliation. We note with satisfaction the views contained in the Secretary-General's report, submitted pursuant to the request of the Security Council presidential statement adopted on 20 December 2002 (S/PRST/2002/41).

Indeed, the protection of civilians demands a more coherent and comprehensive response from the Security Council, from the parties involved in armed conflicts and from the rest of the international community. In 2003, according to United Nations sources, humanitarian appeals made with regard to 13 African crises required $2.2 billion, and less than half of that amount was received. In my delegation's view, that contrasts with the responses to other crises rightly or wrongly perceived to be more strategically important. In that connection, I echo Under-Secretary-General Egeland's appeal to encourage the Security Council to consider the link between the maintenance of international peace and security and inadequate funding of responses to certain crises.

Existing armed conflicts are no longer national or local in dimension. A current and good example — which should concern the international community — involves the conflict in Darfur and its spillover effects on Chad.

As we have seen in Côte d'Ivoire, Sierra Leone and Liberia, serious cross-border issues, the infiltration of armed elements into refugee-populated areas and the militarization of refugee camps represent indeed a great threat to peace and stability. The separation of armed elements from civilians clearly has great potential as a protection tool. It also constitutes an important measure in terms of preventing conflict escalation.

My delegation wishes to reiterate the view that closer cooperation between regional and subregional organizations and the Department of Peacekeeping Operations, the Office for the Coordination of Humanitarian Affairs and the United Nations Office of the High Commissioner for Refugees should be encouraged in order to ensure that protection-related considerations are integrated at the earliest possible stage into the planning and the implementation of peacekeeping operations.

Furthermore, recommendations by the Special Representative of the Secretary-General on Children and Armed Conflict, the rule of law, impunity, compliance and long-term national reconciliation, the widespread use of small arms, mine action and disarmament, demobilization and reintegration (DDR) programmes, as well as the impact of the illicit exploitation of natural resources in fuelling armed conflicts, should also be fully considered in that context.

The responsibility to respond to the need to protect civilians implies also making effective use of sanctions and international prosecution. In that context, the 1267 Sanctions Committee and the European Commission, in partnership with four European credit sector federations, have just established an electronic database containing all relevant data concerning persons, groups and entities subject to European Union financial sanctions. We welcome that initiative since it constitutes an important tool in the fight against international terrorism and its financing in line with the relevant Security Council resolutions. We believe that this and other similar initiatives, such as the Kimberley Process, are essential for curbing illicit trade in and the impact of small arms and light weapons that fuel armed conflicts in Africa. These initiatives are important for supporting and promoting the protection of civilians in armed conflicts, as they are an indispensable foundation for peace, security and stability.

As far as Angola is concerned, we believe that the New Partnership for Africa's Development provides an important platform for securing greater commitment to an improved framework for conflict prevention and the protection of civilians in armed conflicts, which are indispensable for peace, security and stability.

Finally, my delegation concurs with the Secretariat recommendation that our Council consider adopting a new resolution to reflect the developments

that have taken place in different regions over the past four years, and particularly to strengthen the measures needed for more effective protection of civilians in times of armed conflict. This debate is therefore a good contribution for such a measure.

Mr. Khalid (Pakistan): I wish to express my delegation's appreciation to you, Mr. President, for convening this important debate on the protection of civilians in armed conflict. We would also like to thank Under-Secretary-General Jan Egeland for his comprehensive briefing.

Coinciding as it does with the passing of 10 years since the genocide in Rwanda, our debate provides a grim reminder of the failure of the international community, including this Organization, to act effectively and in time to protect hundreds of thousands of innocent victims caught in the vortex of the conflict.

The Council's deliberations today are an expression of its continued commitment to keep the protection of civilians in armed conflict a priority item and an integrated element of global peace and security. At the same time, it is a sad acknowledgement that despite the panoply of international humanitarian and human rights laws, civilians have become the most affected and least protected in armed conflicts. Article 48 of Protocol I of the Geneva Conventions, 1977, states that "In order to ensure respect for and protection of the civilian population ... the Parties to the conflict shall at all times distinguish between the civilian population and combatants ...".

Regrettably, disproportionate rules of engagement and indiscrete deployment of high-yield weapons have rendered these injunctions meaningless. As a result, despite growing awareness and increased focus on their protection, civilians continue to be the prime victim of conflict situations. Almost all conflict situations, both inter-State and intra-State, occur in least developed or poor countries. Often conflicts erupt in areas rich in a single commodity, like diamonds or oil, which, besides being the bone of contention, soon becomes the fuel for a full-time war economy.

All these conflicts have security, political, diplomatic, economic, social and humanitarian dimensions. Human rights violations constitute an unfortunate, but unavoidable, consequence of conflict situations. Mass displacement of people results in discrepant provisioning of food and medicine. Hindered humanitarian access is often the result of such situations, accentuating hunger and disease.

Evolving a comprehensive, integrated and coherent response to these complex conflict situations remains the daunting challenge for this Organization and the international community it represents. Emerging conflicts and new dimensions of old conflicts pose unprecedented challenges demanding innovative approaches and bettered standards of international conduct and action.

We are thankful to the Secretary-General for his latest report (S/2004/431). It examines the progress made during the 18 months since his last report and reviews the issues outlined in the ten-point platform on the protection of civilians, presented to the Security Council in December last year. The Secretary-General's report touches upon new dimensions in protection, posing new challenges and making some innovative recommendations. I would like to make a few points of a general and specific nature.

First, conflict prevention remains the single most important dimension of protection. There are several means at the disposal of the Council, ranging from the Secretary-General's good offices, the initiative that can be taken by the General Assembly and the mechanism prescribed in Article 34 of the Charter. All these can be usefully employed to address situations the continuance of which could endanger the security of civilians.

Secondly, there has to be a clear recognition that conflict prevention is possible only by effectively addressing the underlying causes of conflict. The root causes of conflicts are many and diverse: political, social, economic, historical and cultural. However, on the long list of root causes, poverty and underdevelopment seem to be omnipresent. The interlinkage between peace and development is well recognized.

Thirdly, most of the contemporary conflicts are complex in nature, requiring a comprehensive, coherent and multidimensional response. In the United Nations, we have an institution best suited to generate such an integrated approach, with the Secretary-General, the Security Council, the Economic and Social Council and its relevant functional commissions and the General Assembly, as well as the United Nations system as a whole, working in synergy within their respective roles and mandates.

Fourthly, we fully endorse the Secretary-General's views on impunity and compliance. Systematic and gross violations of human rights of civilians, especially crimes against women and children, and genocide committed during conflicts, should not be allowed to go unchallenged and unpunished. This is essential both as a deterrent against future violations and to create the basis of political reconciliation and sustainable peace. Since it may be difficult to establish tribunals for each conflict, the appointment of a special advisor on the prevention of genocide, as mentioned in the Secretary-General's report (S/2004/431), is a welcome proposition.

Fifthly, the Secretary-General's report refers to a stronger focus on protection in peacekeeping mandates. Pakistan, as a leading troop-contributing country, has been making its due contribution in protecting civilians in extremely challenging situations in Bosnia, Sierra Leone, the Democratic Republic of the Congo, Liberia and elsewhere. We fully agree that the swift deployment of peacekeeping troops is often critical in efforts to avert an immediate crisis of protection and to restore order. Cooperation with regional and subregional organizations to ensure early intervention is of equal importance.

Sixthly, the protection of civilians becomes more complex in situations in which the regular army confronts non-State actors. When organized forces are called upon to respect the norms of the Geneva Conventions and Protocols, non-State parties cannot be allowed to remain in non-adherence. In irregular warfare, especially in the war on terrorism, it is often difficult to distinguish between civilians and combatants, yet there are minimum standards that must continue to be observed in the treatment of suspected combatants.

Seventh, a regional approach to protection is obviously essential. However, such an approach will have to rely essentially on regional parties. This is emerging in West Africa. The Economic Community of West African States (ECOWAS), which has played a key role in addressing regional conflicts, both through its engagement at the political level and also by a timely deployment of peacekeepers under difficult circumstances, deserves our appreciation. This concept needs to be further concretized and used in other regions as well.

Finally, justice and the rule of law play a truly crucial role in post-conflict peace-building and the return to normalcy. In this context, financing the reconstruction process becomes a critical contribution by the international community. Generous international assistance and expertise remain the most vital elements for the sustainability of a peace process. Failure to provide such financial and technical support can unravel efforts for the restoration of peace and security and even cause a relapse into conflict.

I would like to conclude by fully endorsing the observation made by the Secretary-General in his report:

> "Compliance by all parties to conflict with international humanitarian, human rights, refugee and criminal law is critical in all of these situations, whether they are situations of armed conflict, occupation or transition" (*S/2004/431, para. 3*).

Mr. Adechi (Benin) (*spoke in French*): The protection of human dignity is the cardinal principle of the United Nations Charter. All States have committed themselves to respecting it. In actuality, we see that this principle is often flouted. The United Nations and humanitarian organizations are coping with growing difficulties in the area of humanitarian activity. The resulting grave violations of human rights and international humanitarian law are not made known to, or taken into account by, the international community until long after the crisis threshold has been crossed.

Blackmail of humanitarian assistance activities has become a common practice: one need only consider the deliberate hindrances to humanitarian organizations' access to millions of civilians affected by the 20 or so conflicts currently under way. In order to improve the physical and legal protection of civilians in armed conflict, the Secretary-General has proposed a set of steps to be taken in all stages of a conflict, ranging from political and diplomatic initiatives aimed at the behaviour of the parties, to coercive measures to promote a generalized respect for rules.

Our discussion today is of particular importance since it enables us to see how far we have come. We would like to thank you, Mr. President, for having taken the initiative in providing us with this opportunity for discussion. We greatly appreciate the briefing just given us by the Under-Secretary-General for Humanitarian Affairs on the Secretary-General's fourth report on the protection of civilians in armed

conflict (S/2004/431). We agree with the Secretary-General that the Security Council must strengthen pressure on States that are responsible for protecting civilians and on the major players who violate human rights and international humanitarian law, who must be held responsible for their acts. In this regard, we recall the spirit of resolution 1468 (2003) on the Democratic Republic of the Congo, which aimed at preventing heads of armed groups from holding key political positions by taking into account their respect for human rights and international humanitarian law in choosing those responsible for political transition.

We also think that we should improve the access to and quality of assistance given in humanitarian emergencies. It is in this regard that we welcome the deployment of Operation Artemis in Ituri, Democratic Republic of the Congo; the multinational force in Haiti; the initiative by the Economic Community of West African States (ECOWAS) in Western Africa; and of the African Union in Burundi and Darfur. We must, of course, find a balance between the principle of sovereignty and the relevant provisions of the United Nations Charter and international conventions with regard to human rights and international humanitarian law. However, in any case, the moral responsibility for alleviating human suffering must prevail.

The international community must also reconcile international humanitarian law with the nature and development of conflicts that defy the very basis on which the international instruments for the protection of civilians were built. Specifically, the responsibility of States must serve as a basis in situations where there is no longer a State or where the problem arises as to the legitimacy of armed groups in respect of their responsibility for political dialogue. This is especially pertinent since such armed groups sometimes have real power. They may be called upon to protect the civilian population or may make a target of these very populations. We see this in Africa; we also see it in Latin America.

Moreover, in these new conflicts, it is not always simply combatants who face each other, but, sometimes, neighbours who kill one another, as in the cases of Rwanda and Kosovo. We should also take a look at the compatibility of peacekeeping operations' mandates with the protection of civilians in armed conflict in order to avoid giving the impression that the protection of United Nations soldiers takes precedence over ensuring that the lives of innocent civilians are safeguarded.

On a different level, the essential requirement for the effectiveness of the protection of civilians in armed conflicts can be found in the safety of humanitarian assistance staff. That is why we will continue to condemn violence against humanitarian aid staff. This is an outrageous challenge facing the international community. These violations must be punished just as violations of the rights of civilian populations are punished, since such attacks deprive civilians of their last hope for support. Stricter control over the presence of and trade in small arms and light weapons, as well as anti-personnel mines, through both preventive and normative measures, must also urgently be established.

In order to refine their response to the challenge of protecting civilians in conflict in Western Africa, the Office for the Coordination of Humanitarian Affairs organized a conference in Accra, Ghana, in May 2003. Some of the recommendations that came out of that meeting could be useful for our debate. I will only refer to a few of them. First, the proliferation of humanitarian organizations in Western Africa requires better coordination in order to maximize the impact of the efforts made. Second, governmental forces and armed groups are often in the same food-deprived situation, which makes refugees even more vulnerable. Third, the protection of civilians should be integrated into regional good-governance programmes, with or without the presence of conflict. Fourth, the civilian nature of refugee camps should be maintained. Fifth, legitimate refugees from among members of armed groups should be acknowledged. Sixth, the problem of security requires subregional strategic assessment. Seventh, refugee camps should be established as far as possible from the borders of countries in conflict.

The aim of this meeting was to strengthen and disseminate a culture of protection of civilians in armed conflict in West Africa. The creation of the Special Court for Sierra Leone also contributed towards the achievement of that objective by combating impunity. In more general terms, the International Criminal Court can also help to achieve that goal.

Finally, it is important to prioritize the prevention of conflict, which is the best way to protect civilians. In that regard, we would stress the links between peace and economic and social development, as well as the

importance of addressing the causes of conflict by mobilizing resources for sustainable development.

Mr. Duclos (France) (*spoke in French*): I should like to thank Mr. Egeland for his briefing today and the Secretary-General for his report.

Our delegation feels that this biannual meeting to address the issue before us has become one of the most interesting and important activities of our Council, because the briefings always provide us with an opportunity to diagnose our world's crises from the perspective of the protection of civilians. That perspective is growing in importance from the political, moral and strategic standpoints. It has thereby become an extremely important backdrop to our management of daily affairs.

From Mr. Egeland's briefing today, I shall retain as a guiding principle the four crises he mentioned: the "crisis of protection" he described in West Africa; the crisis in humanitarian access, illustrated, naturally, by the situation in Darfur; the crisis in respect for humanitarian law, as evoked by Mr. Egeland for the Middle East, where, unfortunately, terrorist acts — inherently counter to human rights — are followed by illegal or disproportionate reprisals that, at least in the long term, weaken the cause they seek to defend; and the crisis in security of humanitarian staff. For the latter, the list of examples grows ever longer. From Afghanistan to Iraq, from Kosovo to Côte d'Ivoire, the roll of countries and situations in which United Nations or humanitarian workers are falling victim to attacks is continuously growing.

Mr. Egeland indicated that progress has been made and that no conceptual breakthrough is imminent, but that efforts must persist on all fronts. In that context, we agree with his suggestion that we again frame a Security Council resolution highlighting certain positive elements of the balance sheet and defining new prospects in other areas. I do not wish today to address all the points that might be raised. Other colleagues have done so already, but I would focus on four subjects that are matters of concern and that the Security Council might address further, perhaps in a new resolution.

First, with respect to instruments, it is usefully suggested in the documents before us that it might be possible to develop interaction between the Office for the Coordination of Humanitarian Affairs, the Office of the High Commissioner for Human Rights, perhaps the Office of the United Nations High Commissioner for Refugees and the Security Council on the basis of the model proposed for the Darfur situation, which could be usefully systematized and developed. This is just one idea among several. We also welcome the Secretary-General's initiative of establishing the post of Special Adviser on the Prevention of Genocide.

Secondly, with respect to humanitarian access, my delegation does not entirely agree with all of the suggestions of the Under-Secretary-General for Humanitarian Affairs. For instance, the concept of financing the humanitarian aspects of peacekeeping operations must be considered with caution. We believe that such financing may occasionally be justified in a restrictive way, but that it would be wrong to attempt to extend too broadly throughout the budgets of peacekeeping operations aspects that are not directly connected to the maintenance of peace. This follows upon the very interesting discussion that took place under the Pakistani presidency on peacekeeping operations and their future.

One of my own personal conclusions from the discussion was that the idea of a comprehensive operation must certainly be retained, but that at the same time one must be sure not to exaggerate in this sphere, because too many peacekeeping operations would ultimately destroy all of them. Perhaps we must retain the concept of complex and comprehensive peacekeeping operations, but decentralize responsibilities and financing in order to avoid reaching financial limits that could well work to the detriment of such operations. I mention this because I am seeking to demonstrate that we must take all aspects into account in our thinking. In the proposals contained in the report before us today, certain points may be counterindicated by a more general approach to our responsibilities. However, we must do more on humanitarian access. We must further perfect our approach, even through a resolution. It is essential to place greater obligations on Governments and non-State actors. It is essential that in this domain, the international community use the incentives and, when necessary, the pressure at its disposal in order to do more.

I would say to Mr. Egeland that, with respect to Darfur, on which I know he has good critical judgement, it seems to me that, at least in terms of the Council's approach — and here I join in the point of view of Ambassador Cunningham of the United States — we

have still made some progress and that it would be useful to make a record of that progress in order to draw lessons for the future.

The third subject concerns impunity. It is in our view a crucial issue. It is an issue that enables us to get at the roots of the evil in several situations. We therefore hope that in the coming weeks and months, the Council will continue to refine its approach on this issue. On this point, we believe that the report of the Secretary-General makes some very useful proposals, including one for a gradated approach for carrying out the fight against impunity in cases of grave and widespread crimes against civilian populations.

Perhaps we could add a more specific point about a different situation: attacks that are less widespread and more isolated and selective but whose consequences can be tragic in a crisis situation. We have had recent examples in crises managed by the Security Council. In recent weeks, there have been cases in which it has proven essential to be able to monitor certain individuals' personal responsibility in violations of human rights and attacks on civilian populations. That was the case, for example, in Sierra Leone, where we are doing what we should be doing. We must find the formulas which may not necessarily be identical but which will be of a similar nature and be appropriate for the situations the Council now faces.

The fourth and final issue that I shall mention is that of sexual violence and the implementation of human rights. Of course, the personnel serving the United Nations must be irreproachable and impeccable in those domains. Like others, we welcome the Secretary-General's bulletin on sexual violence (ST/SGB/2003/13). We believe it is important that those standards be applied to both military and civilian personnel and that the appropriate arrangements be established with the troop-contributing countries.

I would add that, naturally, my delegation associates itself with the statement to be made by my Irish colleague on behalf of the European Union.

Mr. Thomson (United Kingdom): Like the previous speaker, I associate my delegation with the European Union statement to be delivered later today by Ireland.

I thank the Secretary-General for his report (S/2004/431). I particularly thank Mr. Egeland for his very compelling briefing. He and his team are doing outstanding work in focusing the international community on protection issues. We are also very grateful to you, Mr. President, for convening this meeting. The Secretary-General initiated this discussion five years ago. The Security Council adopted resolution 1296 (2000) four years ago. Today's discussion provides us with a necessary opportunity to take stock of our collective achievements and failures and to agree a common agenda for future action. Like Under-Secretary-General Egeland and the Chilean and French delegations, we believe that this future action should be reflected in a further Security Council resolution.

The Secretary-General calls for a culture of protection. We agree. How can we promote that culture? Mr. Egeland's proposal for a ten-point platform provides the Council, we think, with an excellent start, and in his report, the Secretary-General identifies many ways in which we can build on that proposal. Within this helpful framework, I would like to outline five of the areas where the United Kingdom sees scope for taking work forward.

First, on access, which everyone has dwelled on, the United Kingdom believes it is important for the Council further to develop a toolbox of options in order to provide a flexible approach to the wide range of situations where access is denied. We are learning to use some new tools, perhaps, in the context of Darfur.

Regional organizations have a particularly important role to play in time-critical settings, as demonstrated by the deployment of the Economic Community Of West African States (ECOWAS) Mission in Liberia (ECOMIL) in August 2003. We should continue our work on supporting regional organizations. The Council has discussed that in previous debates, and we look forward to taking forward our thinking again under Romania's presidency next month.

On the issue of rapid response — such as repairing critical infrastructure to facilitate access — we believe there is scope for greater cooperation with regional organizations, such as the Organization for Security and Cooperation in Europe and its Rapid Expert Assistance and Cooperation (REACT) teams. We should also look at how Security Council missions, such as that to West Africa next month, can add value to the protection agenda.

Secondly, the protection needs of women and children must be reflected in the planning and

implementation of peace support operations, and the training of peace support personnel prior to deployment is essential. Progress has been made. But we also believe that the compliance of peacekeepers with the United Nations code of conduct on the prevention of sexual abuse and exploitation must be insisted upon and appropriate enforcement mechanisms considered.

Thirdly, on the security of humanitarian personnel, the scope of the 1994 Convention on the Safety of United Nations and Associated Personnel must be expanded. Equally important, of course, is to encourage those that have not already done so to ratify the Convention as a matter of urgency. We also believe that the Security Council should be more readily disposed to issuing a declaration of exceptional risk under the relevant provisions of the 1994 Convention.

On the issue of impunity and compliance — my fourth point — the United Kingdom shares the importance stressed by many delegations this morning of maintaining international humanitarian law. We are greatly encouraged by the decision to appoint a Special Adviser on the Prevention of Genocide. We strongly support the work of the International Criminal Court (ICC), and we agree that there is potential for the Security Council to consider referrals to the Prosecutor of the ICC for investigation under article 13 (b) of the Rome Statute. We regard re-establishing judicial mechanisms and the rule of law in war-torn societies as crucial and have devoted some considerable attention to that. We eagerly await the Secretary-General's report on that issue and look forward to working with partners on the recommendations.

Fifthly, on small arms and light weapons, we welcome the fact that the report of the Secretary-General focuses on the risk of diversion. In that context, the United Kingdom is supporting the transfer controls initiative, which aims to raise awareness of the need to strengthen controls on small arms and light weapons transfers. We also support the call for arms embargoes to include military services. My Government is a keen supporter of the marking and tracing initiative, and we look forward to participating in the first session of the Open-ended Working Group on this question, which starts today.

I have responded to some of the proposals in the Secretary-General's report; I should also like to comment on the way in which we address the protection of civilians in the work of the Council.

We need to continue to mainstream protection concerns into the Council's country-specific work. We are making progress here, as Chile has reminded us, especially in the context of peacekeeping missions and mandates. But we need to be making better use of the aide-memoire launched under the Norwegian presidency in March 2002 as a protection checklist and reference tool.

Getting protection concerns reflected in Council resolutions is simply the beginning of a much wider process. We then need to know whether our actions are, in fact, making a difference at the country level. Effective feedback to us is therefore absolutely crucial if we are to learn what works well, what does not and what we need to do next to address protection gaps. As a result, the United Kingdom looks forward to receiving an outline for monitoring and reporting in December 2004, as mentioned in the Secretary-General's report. We look forward to Mr. Egeland's work on this.

Angola has reminded us of the responsibility to prevent. We need to consider how we address protection concerns in countries that are not formally on the Council's agenda. In that context, we have greatly valued the recent briefings to the Council by Mr. Egeland on the situations in northern Uganda and in Darfur. The United Kingdom is certainly open to more briefings of that kind. Let us not forget that Security Council resolution 1366 (2001) on the prevention of armed conflict encourages the Council to invite the Office of the Emergency Relief Coordinator to brief us on emergency situations which it deems to represent a threat to international peace and security. We believe we need to make better use of such mechanisms in the Council's work.

Finally, and in conclusion, we need to recognize the fact that, if we do not set clear priorities in this area, which represents an extremely broad and challenging agenda, there is a risk that our actions will be too widely dispersed and have only a limited impact. Under-Secretary-General Egeland's proposal for a 10-point platform helps take us in a more strategic direction. We believe it is important for us to look at the protection agenda in that way. We hope that we will be able to work together to develop an even more strategic approach through the adoption of a consensus resolution on this important subject later this year.

Mr. Valle (Brazil): Mr. President, my delegation wishes to thank you for having convened this open debate on the subject of the protection of civilians in armed conflict. We are grateful to the Secretary-General for his comprehensive report on this important topic and for the concrete recommendations he has put forward. I also express my appreciation to Under-Secretary-General Jan Egeland for his presentation today and to his whole team in the Office for the Coordination of Humanitarian Affairs for their dedicated work.

The Council has been discussing this thematic item on a regular basis over the last five years. With civilians accounting for the vast majority of victims in armed conflicts in many regions of the world, we need to persevere in our efforts to push forward this vital agenda.

My comments today will focus on a few issues arising from the Secretary-General's report, starting with a certain level of progress that has been achieved.

Indeed, we have made efforts to ensure that prominent provisions regarding the protection of civilians are part of our regular discussions and deliberations. As a result, peacekeeping mandates have been broadened to include humanitarian access, the safety of United Nations and associated personnel and protection of refugees and returnees, among other relevant protection themes. Taking into account the fact that these important measures have heightened the profile of United Nations peace operations, we are advancing, in practical terms, towards the strengthening of the protection of civilians on the ground. On a case-by-case basis, we are managing to integrate what has been agreed at the thematic level.

Côte d'Ivoire and Haiti are two recent examples of the Council's willingness to allow United Nations troops to protect civilians under imminent threat of physical violence, without prejudice to the responsibility of the host Governments.

In that respect, the aide-memoire on the protection of civilians has been an important tool for the design of peacekeeping mandates. Although its application requires a more systematic approach, one could argue perfectly well that the aide-memoire has been adequately employed according to the specific challenges in each concrete situation. We are glad to see the Council moving in the right direction also with regard to other provisions of resolutions 1265 (1999) and 1296 (2000).

In spite of the progress made, the Secretary-General rightly asserts that further action is required in a number of areas. It is essential that the most vulnerable groups, such as women and children, as well as others, including refugees and internally displaced persons, be effectively protected. The recruitment and use of children as soldiers is appalling, let alone the extensiveness of sexual and gender-based violence. While discussing peacekeeping mandates, the Council needs to be steadfast in promoting the rights and specific protection needs of the most vulnerable. The inclusion of child-protection and gender advisers in peace operations has been an important step in that regard.

The use of the Guiding Principles on Internal Displacement by an increasing number of Member States is also a positive step and should continue to be encouraged. The Secretary-General points out the fact that humanitarian access is, in a number of cases, either denied or obstructed, thereby affecting over 10 million people in need, which is a matter of serious concern. States have the primary responsibility for the delivery of assistance to their own populations in need. But if they are unable to do so, they must comply with their international obligations and ensure the safe and unhindered access of humanitarian personnel in order to allow them to undertake efficiently their task of assisting the affected civilian population. We find it particularly worrisome that most of the people in need of assistance and protection in the Darfur region of the Sudan have been remained beyond the reach of humanitarian relief organizations.

It is also imperative to protect the protectors. Indeed, the issue of safety and security of humanitarian personnel must continue to be a matter of high priority in the United Nations system. It is most regrettable that humanitarian workers have been broadly targeted while trying to provide some hope for the underprivileged. They have increasingly become victims of deliberate violence. Attacks against humanitarian personnel thwart international measures to bring assistance and have a clear impact on, and connection to, the issue of ensuring access.

The report also addresses the lack of support for the so-called forgotten emergencies. It is distressing that humanitarian assistance is not always provided on

the basis of need. While funds are poured into relief assistance in cases of highly visible emergencies that mobilize public opinion, resources dwindle when it comes to laying the foundations for future recovery and development. We would like to underline the worrisome trend that disarmament, demobilization, reintegration and rehabilitation (DDRR) programmes remain continuously under-resourced, especially in the rehabilitation and reintegration phases, compromising disarmament and demobilization efforts.

Referring to situations of transition, Under-Secretary-General Egeland noted during a recent debate in the Council that "progress on security and political developments needs to be accompanied by corresponding progress on the humanitarian, social and economic fronts if the peace is to take hold" (*S/PV.4980, p. 3*). Hence, if we do not address this funding gap between relief and development we risk treating only the symptoms of the disease while its root causes remain untouched. An illustrative case is the challenge posed by the promotion of Haiti's social and economic development.

In many cases, nations ravaged by conflict have also been severely hit by HIV/AIDS, a condition that has been appropriately described as a double humanitarian challenge. Given the devastating human, social and economic impact of HIV/AIDS, we need to ensure that the longer-term development implications of the pandemic are properly addressed.

Needless to say, all parties to armed conflict must fully comply with the provisions of international law, especially humanitarian, human rights and refugee law. The role that the International Criminal Court can play in bringing to justice those who have committed war crimes, crimes against humanity, genocide and other serious violations is of fundamental importance. The Court is therefore an important element in addressing problems of impunity.

Here, we need to reaffirm the importance of the widest possible dissemination of international humanitarian, human rights and refugee law and principles during armed conflict. The regional workshops organized by the Office for the Coordination of Humanitarian Affairs, including the recent one held in Mexico for the Latin American and Caribbean region, have contributed to disseminating information related to this issue. The involvement of regional players is an important factor in improving opportunities to address at the regional level issues related to the protection of civilians, especially when conflicts cannot be handled within the confines of the States and when regional organizations are in a more favourable position to deal with the matter. In that respect, we welcome the progress that has been made in West Africa to address challenges related to cross-border flows of refugees.

Furthermore, in order to look for more complementarity, the Security Council can work in close coordination with the General Assembly and the Economic and Social Council in the field of the protection of civilians. The Council should not be exclusive in its activities. For instance, the critical issue of funding for humanitarian missions is beyond the Council's purview. At the same time, it is precisely because the efforts of the international community to address that problem still fall short of what is needed to end the suffering of civilians in armed conflict that the Council must continue to be fully engaged. We should then try to find the best approach to share responsibilities. In that regard, we recall that General Assembly resolution 46/182 continues to provide the framework to ensure strengthened humanitarian coordination, including with regard to principles of neutrality, impartiality and humanity for the provision of humanitarian assistance.

Brazil has long understood that the protection of civilians in armed conflict must be afforded priority consideration on the United Nations agenda. The suffering inflicted upon civilians by distinct patterns of conflict is truly a matter of fundamental concern. The Council will be able to provide political guidance to the system if it adopts a victim-centred approach. Once the victims are placed at centre stage, not only as recipients of aid but also as bearers of rights, our debates can produce concrete measures to improve the situation on the ground.

Mr. Karev (Russian Federation) (*spoke in Russian*): Over the past five years, issues relating to the protection of civilians in armed conflict have been a constant focus for the United Nations and for the Security Council. Despite the existence of a whole arsenal of international human rights instruments and international humanitarian law, completely innocent civilians continue to suffer, including women, children, the elderly and members of what have come to be called vulnerable groups, as well as the humanitarian personnel who are there to help them.

The protection of civilians requires coordinated international, regional and national efforts. Here, we must remember that the protection of civilians has human rights and humanitarian dimensions. Obviously, the humanitarian component is at present in the greatest demand, especially as part of a comprehensive crisis-prevention strategy in the phase of post-conflict settlement. Humanitarian activities should definitely be based on the norms of the United Nations Charter and basic humanitarian principles; to a great degree, their effectiveness will depend on the way in which the international community includes them in efforts to find political settlements.

We thank the Secretary-General for his comprehensive report on this item (S/2004/431), which contains a thorough analysis of the situation in a number of specific countries and of the reasons for violations of international humanitarian law during armed conflict. It also offers recommendations on how to enhance the protection of civilian populations.

We note with satisfaction the progress made towards enhancing the effectiveness and efficiency of measures in this sphere, with an eye to the changing trends and the resulting new conditions with respect to the protection of civilians in armed conflict. One recent example of that approach — including in the context of eliminating impunity — was the establishment of the International Criminal Court, whose activities are intended to supplement national legislation.

With good reason, the report notes that the Security Council is making increasing use of a regional approach to the protection of civilians in armed conflict. Here, we have questions relating to statistical and methodological aspects of certain parts of the report, notably those pertaining to the safety and security of humanitarian personnel. In our view, it is wrong to group together situations in countries or regions when the conflicts in each case are entirely different in nature. And we see no basis for listing countries where the situations cannot be defined as armed conflicts in terms of the Geneva Conventions and their Additional Protocols. This only creates confusion and gives rise to a fallacious impression of the true situation.

Machinery for early warning, for eliminating war and for preventing conflict is the key element in ensuring the protection of civilians. It is important that efforts in that sphere be properly coordinated so that in the protection of civilians — as in other areas — there be a strict division of labour consistent with the United Nations Charter and other international legal instruments. States Members of the United Nations should be more efficient in reporting to the Council relevant information on situations that could pose a threat to international peace and security, including instances of deliberate refusal to humanitarian personnel of safe, unimpeded access to civilians, refusal to provide civilians with humanitarian assistance and other flagrant violations of the rights of civilians.

We believe that a useful exchange of views on improving the civilian-protection activities of the Security Council and other United Nations bodies will lend further momentum to progress in this area.

Mr. Cheng Jingye (China) (*spoke in Chinese*): I wish first of all to thank the Secretary-General for his report (S/2004/431) and Under-Secretary-General Egeland for his briefing.

Since the publication five years ago of the first report of the Secretary-General on this topic (S/1999/957), the international community has been devoting great attention to the protection of civilians in armed conflict. The Security Council and the General Assembly alike have adopted numerous resolutions on the protection of civilians in general and of women and children in particular, and on the prevention of armed conflict. United Nations peacekeeping operations too have marked the protection of civilians as an important task. In times of armed conflict, the Office for the Coordination of Humanitarian Affairs, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund and other relevant international organizations have promptly provided emergency assistance to refugees, thus playing a positive role in easing the humanitarian situation in conflict areas.

Admittedly, owing to continued conflict and violence in some regions — for example, Africa, the Middle East and Iraq — the task of protecting civilians remains arduous and still requires much work. We believe that, to protect civilians from the suffering brought about by war and turmoil and to mitigate as much as possible the difficult humanitarian situations in which those civilians find themselves, the international community should adopt a comprehensive strategy that addresses both root causes and symptoms.

First, it must be made clear that the countries concerned and the parties to conflict bear the primary responsibility for protecting civilians. On the one hand, they should abide strictly by international humanitarian law, complying fully with their obligation to protect civilians. In particular, they should adopt effective measures to protect vulnerable groups, such as women and children, to alleviate their suffering. Those who have committed serious crimes against civilians must be brought to justice, and their punishment must be commensurate with the seriousness of their crimes. On the other hand, we need to ensure that international humanitarian organizations are facilitated in their efforts to provide assistance.

Secondly, the most fundamental and lasting way to protect civilians is to put an end to conflict and to achieve peace. Therefore, as it provides timely humanitarian assistance to civilians in conflict areas, the international community — particularly the United Nations, including the Security Council — must actively promote ways in which the parties concerned can reach political solutions to the conflict and must provide appropriate assistance to that end, including through peacekeeping and post-war reconstruction. Only thus can we fundamentally resolve the question of protecting civilians.

Finally, I should like to stress that the protection of personnel of international humanitarian organizations and the protection of international personnel participating in post-war reconstruction are also very important. It is a cause for concern that violent terrorist acts against those personnel have been increasing rather than decreasing in recent years. Such acts should meet with condemnation on the part of the international community in one voice. Those responsible must be brought to justice. We urge all sides to effectively implement Security Council resolution 1502 (2003), on strengthening the protection of United Nations personnel, and we call upon all countries to positively consider joining the Convention on the Safety of United Nations and Associated Personnel.

Mr. Trautwein (Germany): Permit me at the outset to thank Mr. Egeland for his comprehensive and instructive briefing this morning on the fourth report of the Secretary-General on the protection of civilians in armed conflict (S/2004/431). Once again, he was obliged to paint a sober picture in many respects. I also want to associate myself with the statement to be made later by the representative of Ireland on behalf of the European Union.

Over the past few months, the Council has looked at the various facets of conflict resolution, peacemaking, peacekeeping and peace-building. The Council has discussed the issues of conflict prevention and the role of the private sector in conflict and post-conflict situations. The Council has also considered the role of women — both as potential victims of conflict and as indispensable actors in peace-building — and it has taken action to address the plight of children associated with armed conflict. Today, on the basis of a new report of the Secretary-General, we are looking at the victims of armed conflicts, the vast and ever-increasing majority of whom are not soldiers, but civilians. Civilians bear the brunt of armed conflicts when it comes to casualties; they are usually totally unprotected and defenceless, and they are exposed to violence entirely beyond their control.

Preventing armed conflict is still the best way of protecting civilians. However, as we are dealing in the Council on an almost daily basis with conflicts and crises around the world, prevention is, sadly, only one of the elements on which we can focus.

The title of the Secretary-General's report, on "the protection of civilians in armed conflict", contains an umbrella concept of humanitarian policies that brings together elements of protection from a number of fields, including international humanitarian and human rights law, the military and security sectors and humanitarian assistance. Protecting civilians in armed conflict is a priority identified in the United Nations Millennium Declaration, which notes the need to expand and strengthen the protection of civilians in complex emergencies, in conformity with international humanitarian law.

The Council has attached greater attention to the need to secure the sustainability of its peacemaking efforts by assisting in the establishment of post-conflict political orders that are democratically legitimized, that guarantee human rights and that are based on the rule of law. The report of the Secretary-General reflects this necessary interlinkage by stating that, if we want to help countries to find a way out of conflict and to prevent a slide back into conflict, the peace process must properly address the adequate protection of civilians. If the concerns of civilians are not properly addressed, peace will be difficult to achieve and sustain.

It is safe to say that it has become common wisdom that there is an interdependence among peace,

democracy, justice and development. Yet it is appalling to observe that the determination to transform that wisdom into practical action is greatly lacking. All too often, efforts to strengthen the international rule of law are on the defensive and international law is ignored, or even declared obsolete, at the national level. In that context, Germany recalls the well-established obligations under international law — in particular, the Fourth Geneva Convention and Additional Protocol I to all four Conventions, which contain the basic rules for the protection of civilians in armed conflict.

Let me take this opportunity to express our hope that the forthcoming report of the Secretary-General on justice and the rule of law will reiterate that achieving the purposes of the United Nations — notably, peace, security and development — requires an increase in the level of guarantees and protection afforded to civilians. That is also the vision of the European Security Strategy, adopted by European Union member States as recently as 12 December 2003: to develop a rules-based international order.

In that context, the International Criminal Court deserves particular mention as an institution that has the potential to address one of the worst root causes of violating the integrity of civilians: impunity. Combatants violating the principles of humanitarian law — be it by acts directed against civilians or by acts against humanitarian personnel — need to know that they are acting against fundamental principles of humanity and that their acts will eventually come under the judicial scrutiny of the International Criminal Court or of a regional tribunal. What is needed is to move even further towards universal acceptance of its jurisdiction, not to create new pockets of impunity, like those proposed by Security Council resolutions 1422 (2002) and 1487 (2003).

Ever since the World Conference on Human Rights, held in Vienna in 1993, our common understanding of the interrelationship between human rights and development has made great progress. The right to development — which is now widely recognized — synthesizes that understanding by describing how the simultaneous enjoyment of civil and political, as well as of economic, social and cultural rights, is instrumental to the advancement of development. The Human Development Reports of the United Nations Development Programme underpin that understanding from a practical perspective. The Reports point both at the benefits of human rights and good governance in the development context and at the considerable costs of a lack of those benefits.

On the basis of the new report of the Secretary-General that we are considering today, I would like to share with the Council a catalogue of three areas for measures to move our protection agenda forward.

The first area is the protection of women and children. Women and children are among the most vulnerable groups in times of conflict, whether they be civilians or child soldiers. Women are more and more frequently subjected to cruel, degrading and often lethal treatment in times of conflict. In particular, children suffer. They are defenceless in situations of conflict if separated from or deprived of their parents, and their ability to cope with a quickly changing environment is very restricted. Many children without protection are being kidnapped and made child soldiers. Forcing children to carry arms rather than letting them develop peacefully is one of the cruellest acts. Women and children are also, to an unprecedented extent, victims of severe and atrocious sexual violence.

The second area is humanitarian access and the security of humanitarian personnel. Various crises and emergency situations in recent years have shown that humanitarian access and the security of humanitarian personnel are linked. A lack of security for humanitarian personnel results in the prevention of access to vulnerable populations in need. The consequences of the horrendous attack on the United Nations office in Baghdad in August 2003 showed that quite plainly. The Security Council reacted without delay through the adoption of resolution 1502 (2003).

Germany supports efforts aimed at enlarging the scope of protection of the Convention on the Safety of United Nations and Associated Personnel. Measures taken to ensure adequate security for humanitarian personnel will lead to better humanitarian access and thus to the better protection of civilians. In addition, the role that neighbouring States and regional organizations have in helping to establish humanitarian access may be further explored.

Thirdly, regarding refugees and internally displaced persons, in general, their situation must be improved — and not least, mechanisms for their protection. More has to be done to avoid forced military recruitment, and we have to ensure better support for the return of displaced persons. In that regard, we should examine how to better promote the

Guiding Principles on Internal Displacement, which the Office for the Coordination of Humanitarian Affairs established in 1998. Better publicity and public awareness would give them more effect and respect. We should also advocate the implementation of those guidelines into the national legislation of States.

Germany thus proposes the following measures. The first is a new resolution on the protection of civilians; the most recent resolution that the Security Council adopted on the protection of civilians in armed conflict (resolution 1296 (2000)) dates from 2000. That resolution, as well as the preceding relevant resolution (resolution 1265 (1999)), were regarded as a starting point. After four years we feel the need for an update of the most recent resolution, to take into account recent developments and the changing character of conflicts. Germany would support efforts aimed at adopting a new resolution.

A second measure would be more frequent reporting by the Emergency Relief Coordinator. The Security Council has established a schedule of briefings by the Emergency Relief Coordinator on the protection of civilians in armed conflict every six months. In addition, we receive humanitarian briefings from the Emergency Relief Coordinator whenever a crisis or humanitarian catastrophe occurs. We would propose that the Council broaden the mandate of the Emergency Relief Coordinator by giving him the possibility of reporting on an ad hoc basis if a significant threat to civilians in armed conflict exists. That would give a more concrete and up-to-date picture and would allow us to take quicker and more appropriate measures.

A third measure would be the promotion of the responsibility of new actors. There are new actors in the area of the protection of civilians in armed conflict whom we have to deal with. More than ever before, we need constructive engagement with non-State armed groups. They not only have the potential to deny humanitarian actors humanitarian access; they actually do it. They are also a potential source of harm to the civilian populations where they operate. Without legitimizing them and their actions, we must explore innovative ways to engage them in a constructive dialogue and, where necessary, to pressure them to make them abide by international humanitarian law and human rights norms.

Negotiating with armed non-State actors is a tricky issue. It requires flexibility and realism, but it should not come at the expense of impunity. Perpetrators of serious crimes against civilians must be brought to justice, irrespective of whether those groups operate against or in complicity with their respective Governments. This is a very contentious issue because questions of national sovereignty are at stake. But national sovereignty cannot and should not be an excuse when thousands of innocent, vulnerable civilians are threatened. The imposition of targeted sanctions and travel restrictions are possible measures against non-State armed groups and those who back them.

We also have to seek to protect civilians from exploitation by peacekeepers. As members of United Nations peacekeeping missions do not fall under United Nations jurisdiction, we must find a way to ensure that every country that provides peacekeepers establishes and applies its own laws, and that peacekeepers who commit crimes against the local population are to be brought to justice and convicted. It is not acceptable for pockets of impunity to remain for United Nations peacekeepers.

The President: I shall now make a statement in my capacity as the representative of the Philippines.

When the world was less complex and less complicated, and when local and border wars were fewer and less disastrous in humanitarian terms, the protection of civilians, particularly women and children, was followed as a matter of policy. It was followed as a matter of course. Sadly, that is not the case today. My delegation therefore appreciates the Secretary-General's report (S/2004/431) on the issue of the protection of civilians in armed conflict and its presentation by Under-Secretary-General Jan Egeland.

The Security Council, in its past resolutions and presidential statements, has consistently dwelt on the core issue since the Council's adoption in 1999 of its first resolution on this theme, resolution 1265 (1999). We fully agree that the focus on this core issue should not be lost; rather, it should be developed in a manner responsive to present and emerging challenges, consistent with the principles embodied in the Charter and international law.

My delegation welcomes the progress achieved in protecting civilians, as outlined in part II (A) of the report. We note, however, that there are a few other important points highlighted in resolutions 1265 (1999) and 1296 (2000) that have not been given as much

emphasis. First, it is still unclear how much the Council has contributed to implementing appropriate preventive measures to resolve conflicts. Secondly, along with the constant reaffirmation of the primary responsibility of the State, it would also be worthwhile to know how much has been done in terms of providing needed support to States, particularly in improving their capacity to protect civilians.

In 2002 the Council and the Secretariat jointly developed the aide-memoire on the protection of civilians, a practical guide for the consideration of protection issues in peacekeeping operations and a tool for ensuring an orientation towards civilian protection in the mandates of peace operations. How useful has this been to peacekeeping missions in improving their orientation in protecting civilians? Answers to that could guide the Council in determining what type of action it should take to improve the protection regime.

The Council's resolutions and presidential statements, the aide-memoire and the road map for the protection of civilians have provided the political impetus to create a culture of upholding the safety of civilians. The real value of these commitments, however, is in the implementation of practical and concrete endeavours, as specific situations may demand, to make a difference in improving the protection of the people. The Council should give priority to the forgotten thrusts that I mentioned earlier: the need for the Council to act as a catalyst for developing preventive measures; and assisting States that need support in building their capacity to protect civilians.

The Secretary-General's report mentioned that some counter-terrorism measures can have an adverse effect on the welfare of civilians. My delegation would be ready to support appropriate measures to ensure the protection of the people in campaigns to curb terrorist activities.

Relating to the aide-memoire and the road map, we would like to draw attention to the actual experience of peacekeeping operations in implementing protection mandates. The Council has constantly endorsed the view that peacekeeping mandates should incorporate a "protection orientation". To what extent and scale has that protection orientation been integrated into mandates issued by the Council, and how successful has their implementation been? The answers would surely assist the Council in evaluating peacekeeping mandates and in giving necessary guidance.

My delegation is also concerned by the violations of international humanitarian and human rights law in many conflict areas, including by non-State armed groups. Many of these non-State parties have also been tagged as terrorist groups and are thus subject to the laws of concerned States. My delegation is cautious about the suggestion of engagement by the international humanitarian community with non-State armed groups, as that would present a complex situation that could compromise previous and current national efforts towards an effective and appropriate strategy to protect civilians. The neutrality and impartiality of United Nations humanitarian operations may neither give adequate safeguards against manipulation by non-State armed groups nor guarantee that the legal status of these groups, as determined by the State, will remain unaffected.

The possible use of coercive measures to compel States and other parties to comply with humanitarian standards has been mentioned. In specific situations, this may be an option, but as a general principle, it should be used as a last resort and only in extreme cases, such as large-scale and systematic violations of human rights and humanitarian law. The Council has other means at its disposal to enhance the security of civilians. The growing humanitarian aspect of peacekeeping, however, needs to be carefully considered, as humanitarian personnel could get caught in the crossfire.

It should be clear that different conflict situations require different approaches to effectively protect civilians. The representative of the Russian Federation also mentioned this. We therefore believe that there should not be a one-size-fits-all approach, lest the United Nations be unable to deliver the appropriate response. In fact, resolutions 1265 (1999) and 1296 (2000) both emphasize the principle of proceeding on a case-by-case basis while taking into account the particular circumstances of a situation, whenever ways of providing protection for civilians are being considered.

The nature of protecting civilians requires the broadest involvement of United Nations bodies and agencies in a comprehensive, integrated, coordinated and sustainable manner. Under a system-wide approach, the theme of protecting the vulnerable,

encompassing the concept of a culture of protection, was identified as a priority in the Millennium Declaration. In this connection, we all have to recommit to the road map that identifies the responsibilities of the various entities within the United Nations system, including the Security Council, the General Assembly and the Economic and Social Council, regional organizations and the relevant United Nations bodies and agencies. My delegation thus calls for the wide dissemination of this road map throughout the United Nations system to maximize contributions to realizing our common objective of effectively protecting civilians in all areas and at all levels.

In conclusion, the stark reality of the unabated victimization of innocent civilians should prod all of us to embark seriously on this system-wide approach to solve the problem. The response can be no less than the full engagement and cooperation of United Nations entities. That is the only way to make a significant difference on the ground. This open debate in the Council should be one of many discussions that we would like to see take place throughout the United Nations system. We need to join hands, cooperate more effectively and synergize our expertise if we want to save more lives.

I now resume my functions as President of the Council.

I now give the floor to the representative of the Syrian Arab Republic.

Mr. Mekdad (Syrian Arab Republic) (*spoke in Arabic*): Allow me at the outset to express the gratitude of the delegation of the Syrian Arab Republic for the convening of this important meeting on the protection of civilians in armed conflict. My delegation wishes to thank the Secretary-General for the report before the Council (S/2004/431). We wish also to express our appreciation to Under-Secretary-General Jan Egeland for his briefing this morning. We further wish to express our gratitude to the Office for the Coordination of Humanitarian Affairs for its efforts in various regions of the world.

Civilians constitute the majority of the victims of armed conflicts, which not only cause death and destruction, but generate large numbers of refugees and internally displaced men, women and children who are compelled to live in difficult conditions, facing deprivation for long years, far from home. The number of refugees and persons displaced as a result of armed conflicts worldwide has reached an unprecedented level, estimated at 50 million, and it continues to grow. There are millions of Palestinian and Syrian refugees and displaced persons who are still far from home, in many cases after more than 56 years. This is the result of the Israeli occupation of Arab territories and Israel's lack of respect for international law and numerous relevant United Nations resolutions.

The report of the Secretary-General emphasizes that all parties to a conflict must abide by international law. Regrettably, there are still those who, under flimsy pretexts — such as, in Israel's case, the pretext of self-defence — pursue practices that run counter to international humanitarian law. If this law had been respected, large numbers of deaths and injuries could have been prevented. We also wish to emphasize something that the report states: that combating terrorism does not justify a failure to respect international humanitarian law, the United Nations Charter or the principle of State sovereignty and security, and that we have to deal comprehensively with the root causes of conflicts and not ignore those causes.

The Middle East is a glaring example of the suffering of civilians — specifically Palestinian, Lebanese and Syrian civilians, who are suffering as a result of the continued Israeli occupation of Arab territories. This suffering is evidenced in the continued killing, the demolition of homes, the displacement of people and the restriction of movement of both workers and humanitarian personnel, who are indeed sometimes deliberately targeted by occupation forces. This has exacerbated the suffering of the Palestinian people, as has the building of the expansionist barrier. Under-Secretary-General Egeland, in his briefing to the Security Council on 9 December 2003, stated that:

> "Issues of humanitarian access in the occupied Palestinian territories also continue to be of great concern. Recent developments — including the construction of the Israeli security barrier — will serve only to further limit the access that affected communities have to humanitarian assistance, to essential services and to their livelihoods. Our efforts to secure access where it is denied require unflagging commitment provided on a systematic basis by all of us" (*S/PV.4877, p. 3*).

We are indeed delighted that the Under-Secretary-General repeated this in his statement this morning. It

was our hope that the Secretary-General's report would have discussed these facts and not dealt with them in such a hurried manner. Civilians everywhere have to be protected. Not recognizing that recent events in Rafah and Gaza were crimes that shocked humanity is unacceptable, especially since the Security Council adopted a resolution condemning Israeli practices and calling on the Israeli Government to desist from the demolition of Palestinian homes and property and from carrying out extrajudicial killings.

We cannot forget the suffering of innocent civilians on the African continent. We welcome the progress achieved in Liberia, Côte d'Ivoire and Burundi after the deployment of joint forces in those regions.

The report presents a 10-point platform to strengthen the protection of civilians in armed conflict. We believe that they are important points that should be discussed meticulously. Their implementation should be followed closely so that the international community can overcome the challenges that we face in protecting civilians; we must emphasize the norms of international law and international humanitarian law as well as the long-accepted norms of the protection of human rights. In this regard, we would stress the need for the General Assembly and the Economic and Social Council, each within its sphere of competence, to discuss this report and its contents, and for coordination between the three principal organs of the United Nations that will allow the issue to be addressed systematically.

My delegation attaches great importance to the need for access to vulnerable groups in conflict zones, which we consider to be one of the most important aspects of the protection of civilians, a complex and multifaceted task. We hope that the United Nations will be able to draft legal and security norms to ensure the unimpeded access of humanitarian assistance.

We also draw attention to the suffering of women and children in armed conflict and to the need to challenge the illicit trade in small arms and light weapons, which only helps to prolong such conflicts.

Finally, I would emphasize that the only way ultimately to settle conflicts is to address their root causes, such as occupation in the case of the Arab-Israeli conflict, and to ensure the implementation of the resolutions of international legitimacy. We can also achieve comprehensive and just peace by eliminating the political, economic and social causes of conflicts in many countries. We stress the need to comply with the principles of international law, including justice and respect for human dignity and integrity.

The President: I give the floor to the representative of Ireland.

Mr. Ryan (Ireland): I have the honour to speak on behalf of the European Union (EU). The candidate countries Bulgaria, Romania and Turkey; the countries of the Stabilisation and Association Process and potential candidates Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia and Serbia and Montenegro; and the European Free Trade Association country, Iceland, member of the European Economic Area, align themselves with this statement.

I thank you, Sir, for the opportunity to debate once again this profoundly important issue and I wish also to extend our appreciation to Under-Secretary-General Jan Egeland for his informative briefing this morning, in particular with respect to his comments on the necessity to ensure sustained humanitarian access to civilians in need.

The European Union remains fully committed to enhancing the protection of civilians in armed conflict. In particular, the European Union welcomes the attention paid by the Security Council to the situation of children affected by armed conflict, an issue on which the European Union has recently adopted specific policy guidelines.

Regular dialogue on the protection of civilians in such circumstances is only one element of this process. As the Secretary-General has reminded us in his recent report, there is strong evidence that civilians continue to bear the brunt of armed conflicts, as in the very different types of conflicts in the Sudan, Côte d'Ivoire, Iraq and Nepal. And this is clearly not an exhaustive list.

The European Union fully subscribes to the 10-point platform on the protection of civilians in armed conflict presented to the Security Council in December 2003 by the Under-Secretary-General for Humanitarian Affairs. It provides us all with a clear and vital blueprint for future action in this arena. It is imperative that the commitments contained therein be delivered on as a matter of urgency. We agree with the view articulated by the Secretary-General that fundamental

human rights are the basis of an international moral order which nations must respect, especially in times of war and fear. We also underscore our agreement with the Secretary-General's observation that the promotion and protection of human rights must be central to an effective strategy to counter terrorism.

In his report, the Secretary-General looks at the progress that has been made in the protection of civilians since his last report issued 18 months ago. This is followed by a careful identification of those areas where there are continuing shortfalls. In this regard, the EU remains strongly convinced that the Geneva Convention relative to the Protection of Civilian Persons in Times of War represents a fundamental legal framework within which these problems need to be addressed.

The EU welcomes the stronger protection focus in more recent peacekeeping mandates. This is a tangible display of the importance which the Security Council attaches to the issue. The swifter deployment of peacekeeping troops is, in addition, a highly welcome development. The EU would like to take this opportunity to commend the initiative taken by the Economic Community of West African States (ECOWAS) to deploy rapidly a mission in Liberia in August 2003. For its part, the Union was pleased to be able to deploy forces to Ituri in the Democratic Republic of the Congo in May 2003, which facilitated the stabilization of the position on the ground.

The significance of the regional dimension of the protection of civilians is one that has been increasingly recognized by the Security Council on such issues as disarmament, demobilization, reintegration and repatriation or resettlement, and the cross-border movement of refugees, combatants and small arms. Regional organizations themselves have also recognized their own key role by taking concrete steps. In this regard, the Union welcomes in particular the decision of the African Union to appoint a special representative for the protection of civilians in armed conflict. ECOWAS and the Organization for Security and Cooperation in Europe have also taken positive measures. In this connection, we have been pleased to be in a position to deploy a rapid-reaction force in Ituri and to participate in the United Nations Mission in Liberia.

The European Union calls upon all States and parties to armed conflict to respect and ensure full compliance with international humanitarian law, as well as to respect the neutrality, independence and impartiality of humanitarian operations. The Union is concerned at the increased risks the United Nations and associated civilian personnel are facing on the ground. We reiterate the great importance we attach to the United Nations Convention on the Safety of United Nations and Associated Personnel and to the expansion of the scope of the legal protection under the Convention.

In his report, the Secretary-General states that efforts to deter war crimes, crimes against humanity and genocide, and to break the prevailing culture of impunity in situations of armed conflict have been boosted by the establishment of the International Criminal Court (ICC) and the jurisprudence of other international tribunals. We strongly concur with this assessment. In this regard, we also wish to signal our strong support for the recent decision by the Secretary-General to appoint a Special Adviser on the Prevention of Genocide. The European Union, in addition, strongly endorses the suggestion made by the Secretary-General that the Security Council could consider referrals to the Prosecutor of the ICC for investigation under article 13 (b) of the Rome Statute, where the national jurisdiction is unwilling or unable to act.

While excessive focus on punishment for past crimes may be counterproductive in a national reconciliation process, impunity, as the Secretary-General observes, can be an even more dangerous recipe for sliding back into conflict. In the same vein, and as we have observed on a number of occasions in the past, the EU agrees strongly that, while amnesties may provide an important measure for dealing with lesser crimes, they must never be granted for serious violations of international humanitarian and human rights law. Together with the Secretary-General, we urge member States that have not yet done so to ratify or accede to the Rome Statute as well as to the treaties of international humanitarian, human rights and refugee law, and to take all appropriate measures to implement fully these treaties within national systems, including ensuring proper investigation and prosecution of any violations of the relevant rules.

The EU has long had a particular concern regarding the sexual exploitation and abuse of women and children in armed conflict. In spite of efforts to address this abhorrent practice, reports indicate that it

continues unabated in certain countries. We condemn the continued recruitment of children and their use as soldiers in many conflicts around the world. We are concerned about the impact of armed conflict on all children affected by it, whether or not they are combatants. We agree with the assessment of the Secretary-General that the planning and implementation of all peace-support operations must factor in the need to respond to sexual and gender-based violence. The EU also welcomes the promulgation in October 2003 of the Secretary-General's bulletin on special measures for protection from sexual exploitation and sexual abuse. On a related issue, the EU would also wish to encourage the Security Council to support measures aimed at ensuring that women and children affected by armed conflict are involved in and benefit equitably from all DDRR processes

The prolongation of conflict situations due to the unhindered proliferation of small arms and light weapons also remains a source of real preoccupation, in particular given the disproportionate impact that this proliferation has on innocent civilian lives. Here again, coordination of efforts on a regional level at least has the potential to make significant inroads into this continuing widespread syndrome. As the Secretary-General has noted, the issue of small arms proliferation has been taken up in West Africa by the United Nations Mission in Sierra Leone, the United Nations Mission in Liberia and the United Nations Operation in Côte d'Ivoire. But these are relatively modest steps, and the EU encourages all Member States to work with the interagency mechanism, the United Nations Coordinating Action on Small Arms, in addition to undertaking other necessary measures at the national level.

The protection of civilians in armed conflict has become an increasingly complex challenge. But that complexity cannot be allowed in any way to diminish our resolve or impair our collective efforts to effectively address this horrific state of affairs. The European Union will continue to play a strong and active part in this process.

The President: I give the floor to the representative of Norway.

Mr. Strømmen (Norway): Like others, we are grateful to Under-Secretary-General Jan Egeland for his most useful introduction this morning.

Important progress has been made since the protection of civilians in armed conflict was first put on the agenda of the Security Council five years ago. However, there is still much to be done, and the challenges have become increasingly complex.

Norway welcomes the recent report of the Secretary-General (S/2004/431). We strongly endorse the candid review of implementation of the ten-point platform that was presented by the Under-Secretary-General for Humanitarian Affairs in December 2003. We agree with the proposed way ahead and are looking forward to the outline of an enhanced monitoring and reporting framework. We support these and other efforts to promote risk management.

I would like to mention some issues that are of great concern to us.

Norway is deeply concerned about the increased targeting of humanitarian personnel in situations of armed conflict. We are being forced to rethink our approach to the security of United Nations and other personnel in humanitarian crises. It may be necessary to rely more on armed guards and other protective measures in extreme cases, but that cannot be our only recourse. In fact, such measures may prove counterproductive as they create greater distance from the civilian population, at the cost of legitimacy and local support. We must avoid a situation where strengthened security measures prevent the United Nations from acting effectively on the ground in complex emergencies.

The prevalence of sexual violence and abhorrent human rights abuses against women and children in armed conflicts are extremely worrying. In addition to the immediate suffering caused by those appalling crimes, they have long-term impacts on society and on reconciliation processes. It is also very disturbing that the use of sexual and gender-based violence as a means of warfare has been increasing. We agree with the Secretary-General that sexual violence is one of the most complex issues confronting the international community and that the time has come to address it comprehensively.

Within the United Nations context, the need to achieve a clear division of labour between humanitarian actors on the one hand and political and military actors on the other is of particular relevance in the ongoing debate about integrated United Nations missions. Norway supports the goal of achieving

greater coherence and effectiveness in United Nations crisis response. However, while striving for greater coherence, we must not compromise humanitarian integrity. Liberia is a case in point where this issue deserves careful attention. We wish to commend the work done by the Office for the Coordination of Humanitarian Affairs (OCHA), in cooperation with other United Nations departments, to elaborate generic and conflict-specific guidelines for civil-military relationships in complex emergencies. We urge other parts of the United Nations system and Member States to take this work into account in the planning and implementation of international operations.

The objective must be to create complementarity and avoid confusion and duplication of effort in United Nations operations. Complementarity must be built in from the early stages of planning and be reflected in clear mandates. The Security Council has a particular responsibility to ensure such clarity of mandates.

In addition to short-term measures, we need a broader approach to sustaining and increasing the protection of civilians. Norway believes that more needs to be done to promote the awareness and ownership of humanitarian principles and to broaden support for humanitarian action worldwide. That is why we are supporting the ideas presented by OCHA for partnership arrangements between new donor countries, the United Nations and traditional donors to facilitate increased contributions of humanitarian personnel, financial support, logistical services, emergency food aid and other in-kind contributions.

The President: There are still a number of speakers remaining on my list for this morning. The presidency is also aware of its responsibility to protect Council members and others in the room from hunger. With members' permission, I intend to suspend the meeting until 3 p.m.

The meeting was suspended at 1.20 p.m.

United Nations S/PV.4990 (Resumption 1)

Security Council

Fifty-ninth year

Provisional

4990th meeting

Monday, 14 June 2004, 3 p.m.
New York

President:	Mr. Baja	(Philippines)
Members:	Algeria	Mr. Benmehidi
	Angola	Mr. Constantino
	Benin	Ms. Elisha
	Brazil	Mr. Valle
	Chile	Mr. Zalaquett
	China	Mr. Jiang Jiang
	France	Mrs. D'Achon
	Germany	Mr. Kuechle
	Pakistan	Mr. Khalid
	Romania	Mr. Stamate
	Russian Federation	Mr. Nikiforov
	Spain	Mr. De Palacio España
	United Kingdom of Great Britain and Northern Ireland	Mr. Lake
	United States of America	Mr. Weinberg

Agenda

Protection of civilians in armed conflict

Report of the Secretary-General to the Security Council on the protection of civilians in armed conflict (S/2004/431)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

04-38811 (E)

The meeting was resumed at 3.15 p.m.

The President: As stated this morning, in order to optimize the use of our time, I will not individually invite speakers to take seats at the Council table. When a speaker is taking the floor, the Conference Officer will seat the next speaker on the list at the table.

I give the floor to the representative of Fiji.

Mr. Savua (Fiji): We join others in congratulating you, Sir, on your assumption of the presidency of the Security Council for June.

We accept the fact that civilians are more vulnerable than ever before in the current cycle of violence and that this trend, despite all the efforts made thus far, shows no immediate sign of reversing itself, the call for decisive action is therefore timely and appropriate.

We would also like to thank the Secretary-General for his report (S/2004/431), which clearly shows that, despite some initial successes, there is stark and disturbing evidence of the extent to which civilians are still suffering because of war, with too many instances of civilians being subjected to extreme violence or denied humanitarian aid.

Fiji totally supports the Secretary-General's assessment that emphasizing the regional dimension of civilian protection is the most effective way to deal with cross-border issues such as human trafficking and the illegal flow of arms. Regional efforts in the area of security and peacekeeping have been not only an effective supplement to United Nations programmes but also an effective means of ensuring local participation and collaboration on important security and development issues. Greater support should be accorded to regional initiatives, with the intention of strengthening such arrangements and encouraging them to be more proactive in every respect.

The growing involvement of non-State actors in the changing nature of war has seen a commensurate increase in the number of civilians becoming deliberate targets and in the use of the young as child soldiers and of civilians as shields. Modern warfare has become less and less a confrontation between professional armies, and more and more a street and suburban battle between military personnel and civilian rebels of the same country, or internal conflicts between civilian factions. These unconventional battles have no defined boundaries, and are unorthodox in nature and extremely deadly. As a result, distinctions between combatants and non-combatants are faint, and respect for the law is basically non-existent.

Recent attacks on United Nations personnel, including against its headquarters in Baghdad, are clear evidence of the increasingly fragile environment to which humanitarian personnel are exposed — one in which there are no security guarantees whatsoever. The United Nations and the international community must continue to express their abhorrence for such attacks and to condemn them as acts of cowardice and arrogance.

As a small island developing country, Fiji is also concerned that more wars and conflicts are being fought in poor and developing States, with women and children being the main casualties. Apart from the direct threat that this poses to international peace and security, the impact on the sustainable development agenda for small developing countries is enormous. More resources and energy are being devoted to conflict resolution and peacemaking. In addition, the lifelong effects of the traumatic experiences of victims are often impediments to development and growth.

Every effort must be made to mainstream civilian protection issues into United Nations programmes, peacekeeping mandates and operations, and the policies of Member States. These should include provisions in the aide-memoire for reporting human rights abuses, together with disarmament issues and small-arms proliferation, and special measures to protect women and girls from rape and other violence. Mainstreaming capacity-building by the United Nations and Member States would ensure that efforts in that regard would bear fruit. Member States, through their local branches of Government, United Nations agencies and non-governmental organizations, at the national and local levels, can help bridge the divide.

Member States are to be encouraged to sign and ratify the legal instruments that exist in the framework of the broad protection agenda. Warring factions must comply fully with the provisions of the United Nations Charter and the rules and principles of international law. The United Nations has an important advocacy role in that regard. A culture of protection can be achieved only if an appropriate level of coordination is attained.

Recent events have given us a rude awakening, painting a stark picture of the realities faced by

civilians and the United Nations in contemporary armed conflict and the challenges these present to the international community. It is time to act, and act decisively. Unless a systematic and integrated approach is taken to the prevention of conflict, the promotion of a culture of respect for human rights, and the eradication of impunity, the global culture of protection of civilians that has been called for will remain a distant ideal.

The President: I give the floor to the representative of Switzerland.

Mr. Helg (Switzerland) (*spoke in French*): My delegation thanks Mr. Egeland for his excellent presentation and notes with satisfaction the high quality of the report submitted by the Secretary-General. That document contains specific and realistic proposals which, if implemented, could decisively improve the level of protection for civilian populations in the 10 priority areas identified by the Emergency Relief Coordinator. While recognizing that all these challenges are priority issues, permit me to deal in greater detail only with some of them here.

First of all, the importance of respect for law needs to be stressed. Protection of the civilian population — whether it be in armed conflicts, in transitional situations or in the fight against terrorism — is based primarily on respect for international humanitarian law, human rights law and refugee law. Respecting those laws and ensuring that they are respected involves informing the different actors, raising their awareness and making them responsible. Those actors include States — particularly their armed forces and police — but also non-State armed groups. Switzerland must also reiterate that the fundamental humanitarian principles of impartiality, neutrality and independence apply in all circumstances. Respect for those principles is an essential condition for guaranteeing sufficient scope for humanitarian action, both within and outside the United Nations system.

The second challenge is the need to fight impunity at both the national and international levels. In that context, Switzerland emphasizes the importance of the International Criminal Court and invites the Security Council to strengthen its commitment in that area by following up on the proposals formulated by the Secretary-General. Furthermore, in order to prevent crisis situations, Switzerland invites the Security Council to make greater use of the tools of observation and fact-finding missions.

The third challenge is the illicit trade in small arms and light weapons and its effects on civilian populations. Today, the Open-ended Working Group to Negotiate an International Instrument to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons began its first substantive session. Switzerland, as Chair of the Working Group, encourages all United Nations Members to participate constructively in the elaboration of a new international instrument to identify and trace small arms and light weapons in a timely and reliable manner. Such an instrument would enable States to fight the illicit trade in such weapons and thus help to improve the protection of civilian populations.

Fourthly, the effects of armed conflicts on women — particularly the use of sexual violence as a military weapon — deserve greater attention on the part of the international community. Although significant efforts have already been undertaken, we need to develop additional protective measures. Moreover, we believe it is essential to strengthen the role of women in the search for and implementation of peaceful solutions to conflicts. Switzerland plans to hold an international conference on that subject in Geneva in November 2004 with the objective of effectively supporting the strengthening of civil society networks and initiatives, which we know to be essential for the success of peace processes.

Fifthly, Switzerland is convinced of the relevance of the concept of human security, which aims to make human beings and their dignity the central focus of the international community. That concept has the merit of bringing together different approaches and thus enables us to define multidimensional protection strategies.

In conclusion, Switzerland reaffirms its resolve to work for the protection of civilian populations. We shall continue our close cooperation with United Nations emergency relief mechanisms, particularly by making our expertise available. In addition, we support the efforts of the United Nations Emergency Relief Coordinator to improve the collection, handling and dissemination of data on the effects of conflicts on the protection of civilians. We look forward to hearing more about the enhanced framework announced in the report of the Secretary-General.

Mr. Butagira (Uganda): I thank you, Mr. President, and, through you, the members of the Security Council for organizing an open debate on this important topic. Such a dialogue with non-members of the Security Council augurs well for good cooperation among various organs of the United Nations and is to be encouraged.

The protection of civilians in armed conflict goes to the root of why the United Nations is there in the first place: to advance respect for the rule of law, including humanitarian law, and for human rights. The obligation to protect, therefore, is not an option; it must be carried out. Otherwise, the need for existence of the United Nations becomes irrelevant.

I must commend the Secretary-General for his excellent report on this subject (S/2004/431); it highlights the problems and charts a way forward. I also thank Mr. Egeland, Under-Secretary-General for Humanitarian Affairs, for his briefing this morning, which calls for urgent action on the part of States and the international community to protect civilians in armed conflict.

The fate suffered by civilians caught in armed conflict is well known. Young girls and women have been raped and, in some cases, infected with AIDS; homes and properties have been destroyed; and entire populations have been displaced. In Uganda, the so-called Lord's Resistance Army — a rebel group led by the diabolical Kony — has wreaked havoc in northern Uganda, killing, maiming, abducting and raping women and girls. Rather than indulging in lamentations, it is time that we take concrete actions against those bandits.

First of all, the terrorist groups that have committed such atrocities should not go unpunished. Uganda is pleased that the Security Council, in a presidential statement dated 16 April 2004, emphasized that the crimes — such as abduction, sexual violence and sexual exploitation — committed by those terrorists should not go unpunished. We applaud the suggestion made by the Secretary-General in his report to the effect that amnesty should not be extended to those who have committed serious violations of international humanitarian law and criminal law.

The international community, however, should not be apologetic. To refrain from calling these bandits "terrorists" for fear that that would have an adverse impact on opportunities for humanitarian negotiations would be to give legitimacy to such groups. Terrorists should be ostracized, denied sanctuary and hunted down by the international community. All States should cooperate in that endeavour. Notwithstanding our stand on hunting down the terrorists in our country and eliminating them militarily, Uganda has extended an offer to Kony and his band of terrorists to engage in peace talks. To date, there has been no response from them. In the meantime, the Government of Uganda has put into place measures to protect civilians both within and outside displaced persons' camps in northern Uganda by having a robust presence of Ugandan armed forces personnel in the area. Humanitarian access is also being ensured.

We welcome the measures undertaken by the United Nations to build into peacekeeping mandates mechanisms for protecting civilians in armed conflict. The international community should respond positively, equally and in a timely fashion to appeals for humanitarian assistance. As the Secretary-General has pointed out, some conflicts have been forgotten, whereas other, high-profile conflicts have elicited a quick response from the international community. I should like to place on record our thanks to humanitarian agencies and the international community, which have provided assistance to the people of northern Uganda who are caught in armed conflict.

There is a question regarding failed States or States that are unwilling to protect their citizens from the scourge of conflict. The question is, should the international community watch as civilians are butchered, maimed and brutalized? There should be an obligation on the part of the international community to intervene and protect those people. The right to protect should transcend the notion of sovereignty. In that respect, we commend the African Union, which has enshrined in its charter the right to intervene in certain circumstances, notwithstanding the issue of sovereignty.

There is also a need to establish good rapport with the Governments of countries where conflicts happen to be found. Everything possible, for instance, should be done to avoid the suspicion that the persons writing reports on those conflicts have some hidden agenda, political or otherwise. For instance, reports on children in conflict in Uganda have lacked some objectivity, as pointed out by us in various communications to the Council. Contrary to the

assertion, for instance, that the Uganda People's Defence Forces (UPDF) recruit child soldiers, the truth of the matter is that UPDF does not recruit children into the army. Besides cooperating with Governments, the relevant United Nations bodies should extend help to regional and subregional organizations dealing with conflicts, such as the Peace and Security Council of the African Union, the Economic Community of West African States, the East African Community, and others.

Lastly, the United Nations, through the Security Council and in cooperation with the various actors, should formulate and put in place measures, such as early warning mechanisms, poverty eradication and good governance, that would prevent conflicts from occurring in the first place.

The President: I call next on the representative of Ukraine.

Mr. Kuchinsky (Ukraine): Ukraine highly commends the initiative of your country, Mr. President, to hold this important debate on how to improve the protection of war-affected civilians. I would also like to thank Mr. Jan Egeland for his very informative briefing to the Security Council as Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.

During the past five years, the Security Council has increasingly focused its attention on the situation of civilians in armed conflict. The fourth report of the Secretary-General on this problem (S/2004/431) is under consideration by the Council today. The situations in the Democratic Republic of the Congo, Iraq, Afghanistan, the Middle East, West and Central Africa and other regions of the world only compel us to concentrate on what was done during all those years to better protect vulnerable civilians and on what is to be done for further improvement of our collective actions in this regard.

True, we have witnessed a certain progress in the sphere of the protection of civilians. But we have also witnessed many lives of innocent civilians lost on the way, as well as many lives of those who served to ensure a better present and a better future for them. Unfortunately, there is still a lack of political will and of willingness by parties to conflicts to improve all relevant international instruments or indeed to implement existing ones. Therefore, there is an urgent need for the continued engagement of the international community in order to ensure that civilians are not deprived of their rights.

We welcome the fact that since the adoption of Security Council resolution 1296 (2000) the mandates of major peacekeeping operations have been broadened to include physical protection of civilians under imminent threat of violence. The inclusion in peacekeeping mandates of such elements as the disarmament, demobilization, reintegration and rehabilitation of combatants, as well as of measures to protect refugees and returnees is, in our view, an important step towards achieving the goal of protecting the rights of civilians.

In our view, these concerns should be addressed on a systematic basis. In that regard, the revised aide-memoire adopted by the Security Council last year (S/PRST/2003/27, annex) has become a practical tool that provides a basis for the analysis and diagnosis of key issues that arise out of conflict. We also note with satisfaction the ongoing work on the elaboration of the road map based on the 10 points raised by the Secretary-General in his report.

Turning to those specific problems, I would like to touch upon some of them that, in our view, are crucially important. First, we think that humanitarian assistance does much to improve the protection of civilian populations and the prospects for a successful transition to reconciliation. As most conflicts have a transboundary character and impact, the role of regional organizations cannot be overestimated. Those organizations should be involved as soon as possible, and the Security Council should continue to play a proactive role in this sphere. We also consider Security Council missions to be a useful, practical tool in assisting humanitarian access. Further strengthening of cooperation between the Security Council and the Economic and Social Council has, in our view, an important role in areas that are at the heart of peace-building.

Individuals should be protected from crimes against humanity. They are to be protected because these crimes are most often committed in times of armed conflict. The International Criminal Court (ICC) has become a reality aimed at acting effectively in preventing and punishing violations of humanitarian law. Therefore, the potential of the ICC should be given due consideration in countering the impunity of persons responsible for the most serious crimes.

Safeguarding the security of their humanitarian personnel remains a key challenge for the United Nations and its humanitarian partners. The number of losses among United Nations staff and associated personnel is of major concern for Ukraine as a country that has experienced the bitterness of human loss from among its peacekeepers in various United Nations operations. As one of the countries initiators of the 1994 Convention on the Safety of United Nations and Associated Personnel, Ukraine fully supports the ongoing work within the United Nation on the extension of its legal regime and hopes that this will be finished successfully in the near future.

Finally, I would like once again, as my colleagues have done, to underline the importance of the protection of women and children. Since the Council first considered this issue in 1998, a degree of progress has been achieved. However, success in standard-setting must not be cause for complacency. In many regions of the world children and women continue to be the main victims of conflict. Children are killed, orphaned, maimed, abducted, deprived of education and care, recruited and used as child soldiers on a massive scale and left with deep emotional scars and trauma as a result. Women and girls are more and more often directly targeted, being threatened with rape, domestic violence, sexual exploitation, trafficking, sexual humiliation and mutilation. Ukraine continues to advocate for the deployment of child-protection and gender advisers in peacekeeping missions in order to effectively integrate the rights and well-being of women and children into peacekeeping and peace-building processes.

The President: I call on the representative of Mexico.

Mr. Berruga (Mexico) (*spoke in Spanish*): In Mexico's view, the Security Council should strengthen actions aimed at protecting civilians in armed conflict in three main areas: first, conflict prevention; secondly, promoting a culture of respect for human rights and humanitarian norms; and thirdly, ending impunity by establishing or using mechanisms that ensure full compliance with the rule of law. In that regard, the report of the Secretary-General (S/2004/431) is an excellent contribution, enabling the Council to bear in mind the humanitarian aspect.

My delegation notes with concern that civilians continue to be the most seriously affected sector in armed conflicts, and that in many cases they have represented a disproportionately high number of the dead and wounded; this could have and should have been avoided, as they do not take part in hostilities. Civilians have also been subjected to torture and other grave violations of human rights and international humanitarian law.

Mexico reaffirms the need for the Security Council to send a clear, strong message to all parties to armed conflicts, whether or not they are regular armed groups as defined by the Additional Protocol II of the Geneva Conventions. In this regard, we reaffirm the following: first, the Geneva Conventions are fully valid and must be complied with under all circumstances, and the Martens Clause has become obligatory, as established by the International Court of Justice; secondly, civilians do not constitute a legitimate target; thirdly, deliberate attacks directed against them cannot be tolerated; and fourthly, parties to a conflict have to take all possible measures to limit the suffering of and damage to civilians.

It is not enough for States to sign and ratify the conventions related to parties' obligations and civilians' rights contained in the normative body of international humanitarian law relative to conflict situations if they do not fully comply with the obligations they contain.

With that in mind, a seminar on the protection of civilians in armed conflict for the Latin American region was held from 16 to 18 March 2004 in Mexico. Experts from the region analysed issues such as the protection of civilians in complex emergencies, the role of various parties in protecting civilians, challenges in protecting civilians in complex situations, strengthening the protection of civilians during the transition from conflict to peace and the creation of a culture of protection. Like many other regions, Latin America is affected by domestic armed conflicts or by violent situations which do not qualify as armed conflicts. In both situations, civilians are the targets of indiscriminate attacks and are very vulnerable.

This is why the State's capacity to establish preventive mechanisms is fundamental. It is imperative to formulate strategies to promote the inclusion of humanitarian issues in the political agenda and to implement national legislation granting a framework of legal protection for civilians in violent situations.

It is equally important to ensure unconditional respect for common article 3 of the four Geneva Conventions, which relates to the protection of civilians in armed conflicts not of an international character, as well as the parallel struggle to eliminate weapons trafficking and the use of anti-personnel mines.

In addition, Mexico reiterates the importance of a greater exchange among the principal organs of the Organization, particularly the General Assembly and the Security Council, as well as linking the distinct tasks of the United Nations Children's Fund (UNICEF), the Office of the United Nations High Commissioner for Refugees (UNHCR), the World Food Programme and the Special Representative of the Secretary-General for Children and Armed Conflict.

We welcomed the issuance of the Secretary-General's bulletin on "Special measures for protection from sexual exploitation and sexual abuse" (ST/SGB/2003/13) as a positive measure. Nevertheless, to our great concern, cases of abuse are still occurring. We call upon the Secretary-General and the directors of the programmes and agencies that provide humanitarian assistance to comply fully with those special measures and to adopt further strong measures to put an end those practices and to punish those responsible.

States must bring to justice those responsible for grave violations of international law, in particular international humanitarian law. The International Criminal Court has a fundamental role to play, always fully adhering to the principle of complementarity that gives priority to national jurisdictions. States have an obligation to respond firmly to terrorist acts, but they have to do so based on the values upheld by the United Nations Charter. Bearing that in mind, my country has promoted the adoption of a General Assembly resolution on the protection of human rights and fundamental freedoms in the fight against terrorism.

Denying or blocking the delivery of humanitarian assistance to civilians and persons not involved in combat constitutes a war crime under the Geneva Conventions and their Additional Protocols. Access by humanitarian personnel to people in need of assistance, in particular the most vulnerable, such as refugees and displaced persons, must be guaranteed.

We are concerned by the growing tendency to undervalue humanitarian principles and to deliberately attack humanitarian workers. The Rome Statute of the International Criminal Court has already classified such acts as war crimes. That concern pushed Mexico to submit to the Security Council resolution 1502 (2003) on the protection of humanitarian personnel, which was adopted unanimously. By its paragraph 6, the Council

> "[requests] the Secretary-General to address in all his country-specific situation reports, the issue of the safety and security of humanitarian personnel and United Nations and its associated personnel, including specific acts of violence against such personnel, remedial actions taken to prevent similar incidents and actions taken to identify and hold accountable those who commit such acts, and to explore and propose additional ways and means to enhance the safety and security of such personnel".

Nevertheless, States parties to the Geneva Conventions and their Additional Protocols have to assume their responsibility to respect and to ensure respect for international humanitarian law. In this regard, the use of meetings of States parties, planned in article 7 of Additional Protocol I, should be encouraged as a mechanism for guaranteeing full compliance with the inviolable norms that are the essence of international humanitarian law.

The President: I now give the floor to the representative of Egypt.

Mr. Aboul Gheit (Egypt) (*spoke in Arabic*): We too wish to thank you, Mr. President, for arranging today's open Council debate on this important issue.

In this regard, the delegation of Egypt wishes to make a number of observations. First, we note the ongoing development of the nature of armed conflicts, whether domestic or international. The main features of today's conflicts are the targeting of civilians, the obstruction of humanitarian assistance and an increase in the number of factions, parties and other elements in conflicts. In armed conflicts, the presence of armed groups, militias, military contractors and terrorist organizations obliges the international community to closely study the situation and to consider mechanisms to provide and strengthen the protection of civilians. The international community should give priority consideration to agreeing on an international approach to dealing with these developments.

Secondly, it is our view that an important reason for increased civilian suffering in conflict situations is the parties' lack of compliance with the provisions of international humanitarian law, most important the Geneva Conventions and their two Additional Protocols. These are an integral part of international humanitarian law, since they define the internationally agreed framework for dealing with civilians in armed conflict and under occupation. We agree with the most recent report of the Secretary-General (S/2004/431), which states that during the last 18 months, the very fundamentals of international humanitarian law and human rights have been under great pressure. We also share his concern that counter-terrorism measures have not always complied with human rights obligations. Obviously, this reflects negatively not only on the counter-terrorism strategy, but also on the situation of international humanitarian law and human rights. This poses a great threat to the international ethical system.

Thirdly, we call on the international community to give special attention to what the Secretary-General's report calls a culture of impunity, which only encourages increased violence and crime and contributes to the intensification of conflicts and the destabilization of international peace and security. The ongoing change in the nature of armed conflicts must not promote impunity for armed groups and other parties, such as mercenaries and military or civilian contractors, who cannot be allowed to evade responsibility before the competent courts.

Fourthly, the Secretary-General's report addresses, inter alia, the situation in the occupied Palestinian territories. A closer look into the situation there reveals it to be a very vivid and glaring example of the suffering of civilians in one of the world's most protracted armed conflicts. Three and a half million people are there subject almost daily to military operations targeting civilians, inflicting extreme violence and murder and denying them basic humanitarian assistance. Their needs have become even more acute since construction began on the separation wall inside the occupied West Bank, as the Secretary-General's report notes, with

> "a profound humanitarian impact on civilians by separating Palestinian communities from their land, jobs and markets and severely limiting their access to food, water and power supplies and essential social services, including schools and hospitals". (*S/2004/431, para. 18*)

We must acknowledge that, despite the United Nations previous successful demonstrations of its competence effectively to intervene to protect civilians in the Balkans, Timor-Leste, Sierra Leone and elsewhere, daily life for the Palestinian people is clear evidence of the incompetence and inability of the international community and the Organization to protect civilians under military occupation.

Fifthly, we concur with the Secretary-General's vision, laid out in the concluding observations of his report, emphasizing the need for the international community to

> "recommit itself to the principles of international law based on justice, peaceful settlement of disputes and respect for human dignity. These principles impose necessary limits on violence and on permissible behaviour in conflicts and set minimum standards for treatment to which people are entitled as human beings. It is from these agreed standards that the United Nations framework for the protection of civilians in armed conflict has arisen and evolved". (*ibid., para. 61*)

The President: The next speaker is the representative of Argentina.

Mr. Mayoral (Argentina) (*spoke in Spanish*): My delegation wishes to thank you, Sir, for your initiative in calling for this debate on the protection of civilians in armed conflict. We also thank the Secretary-General for submitting his fourth report on this matter, which contains a complete overview on the progress achieved and the ongoing shortfalls in the protection of civilians in armed conflict.

Before commenting on the Secretary-General's report, I wish to affirm that my country attaches fundamental importance to respect for international humanitarian law, which is a matter of concern to all States signatories to the Geneva Conventions and their Protocols. In the current circumstances, it is essential to recall once again that no security issue trumps the primary obligation of all States to comply with those basic norms. The obligation to respect the civilian population within the framework of international humanitarian law also extends to other non-State actors that aspire to international legitimacy, whatever the justice of their claims might be.

We also believe that the fight against terrorism, a priority of the international community which my

country shares, should be carried out in full respect for international human rights law. Regrettably, reports have recently come to light of activities undertaken in increasing contravention of such respect, and my country certainly supports the cooperation of this Council with the High Commissioner for Human Rights in order to promote respect at all times for rights that cannot be derogated.

Argentina joins its voice with those in the international community that have tirelessly expressed their deep concern at the evidence that it is civilians who are still the most affected by armed conflict. Violations of international humanitarian law and international human rights, sexual violence as a weapon of coercion and war, and the forceful displacement of populations are the unfortunate results of national and international conflicts.

We recall that the Security Council has been developing a normative framework to address this problem and has expressed interest in the 10-point platform in order to put it into practice. Moreover, the Secretary-General has highlighted some progress made in the implementation of the Council's resolutions on the protection of civilians, such as cooperation with regional and subregional organizations. Specific areas exist within a conflict in which action can be undertaken regionally, such as the issue of refugees, the illegal trade in natural resources, smuggling, disarmament or the traffic in small arms. The regional organizations can play a role of great value through their better knowledge of local difficulties and their more realistic perception of the possible solutions. In our American hemisphere, this is what we expect from such regional organizations such as the Organization of American States or the Caribbean Community.

The fight against the impunity of those who commit war crimes, crimes against humanity and genocide has been given decisive momentum by the establishment of the International Criminal Court, the International Criminal Tribunals for Rwanda and the Former Yugoslavia, and the Special Court for Sierra Leone. The Secretary-General has succinctly pointed out that the

> "tragic legacy of Rwanda also underlines the need to ensure that justice is delivered efficiently and expeditiously". (*S/2004/431, para. 40*)

The peace process should address the question of the guilt of those who committed crimes, and we agree with the Secretary-General who, in paragraph 55 of his report, underlines that sustainable peace requires that past atrocities be punished, since impunity can be an even more dangerous recipe for sliding back into conflict.

With respect to the security of United Nations and associated personnel, the panorama continues to look bleak. Since the last report, 27 personnel of the United Nations have died, and there have been hundreds of attacks against United Nations personnel. In that connection, there is also an aberrant trend of attacking United Nations personnel in order to prevent assistance from reaching the civilian population and thus to obtain a political advantage. We trust that the Security Council will take measures so put an end to such acts and increase concrete actions to enhance practical security.

As we have affirmed in previous years, it is necessary to study ways to broaden the range of protection provided by the 1994 Convention on the Safety of United Nations and Associated Personnel and to seek the Convention's universal ratification, which would help improve this grave situation.

In recent days, ongoing restrictions on humanitarian access to the civilian population of Darfur in the Sudan has been the cause of great concern, as the situation threatens to lead to a new catastrophe that could claim hundreds of thousands of innocent lives. We cannot fail to act. The Secretary-General notes that similar situations exist in other regions. We support his appeal to the Council to send missions to conflict zones; to call on Governments to ensure the necessary humanitarian access; and to insist on rapid interventions by regional organizations and neighbouring countries in order effectively to provide those populations with the support they so urgently need.

In conclusion, I have mentioned only a few of the grave issues we face in the area of the protection of civilians. States, which remain the main actors of international action, must renew their commitment to basic legal rules of law and to respect for human dignity. It is a question of political will and self-restraint in the management of existing conflicts. The Security Council and all organs of the United Nations must seriously commit themselves to this task and require all to fulfil their responsibilities and to implement the principles developed by the United Nations, thus ensuring the effective protection of

civilian populations and respect for their essential rights.

The President: I now give the floor to the representative of Japan.

Mr. Haraguchi (Japan): Mr. President, I commend you on your leadership in convening this open debate on the protection of civilians in armed conflict. I also appreciate the efforts that have been made by the Secretariat in this area, including the ten-point platform it announced and the round-table discussions it has held.

As the concrete examples in the report of the Secretary-General (S/2004/431) make clear, the causes, the parties and the forms of armed conflict that threaten the safety of civilians vary widely. Today we are witnessing an increasing number of internal conflicts caused by a variety of factors, rather than traditional warfare between States. The activities of international criminal organizations and terrorists also threaten the lives of civilians. But whether they too should be considered to be armed conflict is a subject of controversy. Armed conflicts — or more neutrally, situations that pose threats to civilians — are thus very divergent. When we are to engage in negotiations for humanitarian purposes with a party that threatens the safety of civilians, elements that we have to take into consideration are totally different in a case where the party concerned is an anti-government organization with substantial control over a certain portion of the territory and in a case involving what we refer to as a terrorist organization. I therefore believe that, rather than wasting too much time trying to establish general, abstract rules applicable to the protection of civilians in all types of armed conflict, it would probably be more practical and appropriate to identify and collect the practices that have proved to be most effective in protecting civilians in specific armed conflicts.

I hope that the Security Council will give due consideration to such an approach and discuss this issue in terms of the role the Council is supposed to play and its capacity to do so. The Security Council is the organ with the primary responsibility for the maintenance of international peace and security. However, we have to admit frankly that it cannot cope with all the situations in which the lives and the safety of civilians are threatened. Effective protection of civilians in armed conflict requires collaboration between the Council and other organs such as the General Assembly and the Economic and Social Council. It is also important for the Council to collaborate with all relevant international organizations active in the field. In his report, the Secretary-General repeatedly affirms the necessity of the regional approach and the importance of the role regional organizations can play in the protection of civilians. My country shares his view.

I would now like to comment on the ten-point platform in Secretary-General's report. Due to time constraints, however, I shall limit my comments to four specific points of particular interest to Japan.

First, it is quite obvious that the security of humanitarian personnel is essential for the smooth implementation of humanitarian assistance activities. In principle, their neutral posture should ensure their security. Recently, however, there have been deliberate attacks on humanitarian personnel, and we are deeply concerned. We support the inclusion of the protection of humanitarian personnel in the mandates of peacekeeping operations so that the objectives of humanitarian assistance activities can be achieved. It is not clear, though, who bears the responsibility for the security of humanitarian personnel in areas where peacekeeping troops are deployed. Is it the Office of the United Nations Security Coordinator or the Department of Peacekeeping Operations? Japan expects that a comprehensive solution will be presented in the Secretary-General's report on the security of United Nations personnel to be submitted to the General Assembly at its fifty-ninth session.

I do not have a wonder drug to ensure the security of humanitarian personnel. However, at the least, it is necessary for the international community to reaffirm its united support for humanitarian assistance activities and strongly condemn any attack that threatens the security of humanitarian personnel. We should also reaffirm such basic principles as impartiality and independence, which humanitarian personnel must observe so that they will not be regarded as agents of certain members of the international community. As far as legal measures are concerned, Japan supports the idea of expanding the scope of the Convention on the Safety of United Nations and Associated Personnel.

Secondly, due to the uncontrolled circulation of small arms and light weapons, the harm that is being done to civilians in armed conflict has become markedly more severe. Stricter controls are very much

needed. In 2001, the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects was adopted. We believe that it is necessary not only to raise awareness of small-arms issues in the international community but also to take real action in the affected areas. It is therefore crucial for the international community to strive towards the steady implementation of the Programme of Action.

Japan also considers it necessary to strengthen the Security Council's monitoring of breaches of arms embargoes. We therefore welcome the fact that a group charged with monitoring the arms embargo on Somalia was established in January of this year. We hope that the Security Council will consider establishing new groups of a similar nature as necessary, as well as strengthening the work of those already in operation.

Japan also supports the strengthened efforts being made by the Department for Disarmament Affairs, including the Coordinating Action on Small Arms. The Security Council should also engage in an exchange of views with the Department for Disarmament Affairs and make full use of its expertise. For its part, Japan, with a view to consolidating peace, is implementing projects which link the collection of small arms and light weapons with development in Cambodia and in other countries. We believe that they are effective in removing the incentive to possess such weapons.

Thirdly, the reintegration of refugees and of internally displaced persons is an important element in the protection of civilians in armed conflict. For them, safe return is only the first step towards reintegration. In order to avert a situation in which such persons are obliged to become refugees and internally displaced persons once again, and in order to achieve a durable solution, efforts must be made to ensure that they are accepted as integral members of a local community and that they play a role in its reconstruction. Thus, a seamless transition from humanitarian assistance to reconstruction is extremely important. Japan accordingly welcomes the holding of an Economic and Social Council event on transition.

Fourthly, Japan attaches great importance to disarmament, demobilization, reintegration and rehabilitation from the standpoint of the consolidation of peace, and it understands the important linkage between such peace-building activities and peacekeeping operations. However, peacekeeping activities should not be expanded without limitation in the name of peace-building. Peace-building should lead to reconstruction and development. It requires expertise which is different from that required for peacekeeping. It is desirable that the authority of a Special Representative of the Secretary-General should be of a coordinating nature.

In its final section, the Secretary-General's report touches on the relationship between the protection of civilians and peace processes. It is also very important to work to prevent the outbreak or recurrence of armed conflict in order to ensure the effective protection of civilians. In that connection, Japan would stress the importance of human security, which promotes the protection and empowerment of individuals through assistance such as the Trust Fund for Human Security.

A ceasefire agreement is but a first step towards a lasting peace. A society impoverished by armed conflict remains in a precarious state. It stands at the crossroads between peace and national rebirth on the one hand, and a return to armed conflict on the other. Under such circumstances, promoting human security can enable such a society to move forward on the road towards peace and robust national reconstruction. Japan therefore hopes that the concept of human security will be further mainstreamed in the United Nations system.

Mr. Rivas (Colombia) (*spoke in Spanish*): Allow me to begin by congratulating you, Sir, on your assumption of the presidency of the Security Council this month. I should also like to thank the Secretary-General for his report on the protection of civilians in armed conflict, and Mr. Jan Egeland, Under-Secretary-General for Humanitarian Affairs, for his presentation on the item under consideration in this open debate of the Security Council.

The Government of Colombia would like to reiterate what it said on 9 December 2003, when the Security Council last discussed this item. The democratic security policy of Colombian President Alvaro Uribe has demonstrated that strengthening the rule of law and democratic institutions helps to increase security for the people and thereby shrinks the area available for illegal actors. Hence, the Colombian people are strongly supportive of their Government.

The international community has not yet found an effective way of combating terrorism, drug trafficking, trafficking in small arms, or trafficking in human

beings — to mention but a few of the ill deeds perpetrated by organized crime against civilians throughout the world. We believe that the best way to stop such transnational crime is to strengthen the States and their democratic institutions, with robust cooperation and solidarity on the part of the international community. The United Nations and its agencies, whose fundamental goal is to achieve a just and lasting peace in the world, must play a very important role in providing solidarity and support to Member States as they fight against those crimes that affect primarily the civilian population.

For that reason, the Government of Colombia regards as essential the Organization's work in protecting civilians in armed conflict. We acknowledge the Secretary-General's firm commitment to that goal, and we take note of the report before us, understanding that the report was prepared in good faith and with an awareness of the imperative need to provide humanitarian assistance to people in need. But there are some proposals, which theoretically are appropriate, that could in practice backfire and further weaken already fragile States as well as seriously undermine their ability to protect their civilians in conflict.

Implementation of such proposals could even end up arming terrorist and drug-trafficking organizations, as well as networks that are involved in the trafficking of human beings, particularly children and women. The democratic institutions of States that have legally elected Governments could be seriously affected by such proposals. For that reason, the Security Council and its member States have the very heavy responsibility of tackling these matters cautiously and with prudence, not only concerning this particular issue, but in all the thematic debates, including actions that it intends to pursue.

With regard to the report before the Council, I wish to point out that some of its proposals could give rise to vicious circles of violence and suffering instead of helping to protect civilian populations in armed conflicts. The legitimate concern of ensuring access to vulnerable populations can be effectively met through strict compliance with the Geneva Conventions and their Additional Protocols and through strict implementation of General Assembly resolution 46/182, which provided the Office for the Coordination of Humanitarian Affairs with its mandate.

Innovations that do not respect the guiding principles of humanitarian assistance — humanity, neutrality and impartiality — and that, for the sake of pragmatic negotiation, disregard the non-negotiable nature of the principles of international humanitarian law, as well as innovations that politicize humanitarian assistance, create vicious circles of suffering for the civilian population, whose problems they are supposed to alleviate. Negotiating with terrorist, drug-trafficking or criminal organizations to gain access to a specific population not only legitimizes such organizations, but also helps them to shield their operations with the weight of legality and the rule of law, thus promoting their dark military, strategic and economic objectives. The excuse of collaborating with humanitarian operations to gain political and tactical benefits that protect their illicit businesses is a vile deception carried out by these criminal organizations to protect their activities and to intensify the war that they have declared on the civilian population.

Therefore, we must be extremely careful that legitimate concerns about humanitarian access do not end up threatening legitimate Governments, interfering in internal affairs or violating fundamental purposes and principles of the Charter of the United Nations. That applies even more in situations where Governments are working hand in hand with their societies and enjoy immense popular support, and where the majority of the people, after a number of decades, are beginning to receive the benefits of policies undertaken in the fight against those who threaten and affect their very existence.

Humanitarian organizations, the United Nations and all Member States must bear in mind the dangers involved in acting precipitously on such matters. Rather, we must intensify our support for and our cooperation with the legitimate authorities of the States affected in the difficult task of overcoming violence and conflict. We must be fully aware that the very dynamic of illegal armed organizations consists of violating the law and international humanitarian law. That is part of their essence and of their nature as illegal entities.

That is why the Government of Colombia has expressed its concern about dialogues not authorized by the Government of the concerned State with illegal armed groups, even if such dialogues have a commendable purpose. In my Government's view, that involves — in addition to what I just pointed out —

jeopardizing the security of humanitarian personnel, because many of these armed groups repeatedly violate their agreements, and, just as they do not respect international humanitarian law, they do not respect the treaty immunities of United Nations personnel and assets. Therefore, the position of the people and the Government of Colombia on such dialogue is clear: the commitments imposed by international humanitarian law must be honoured, but never negotiated. The tranquillity and peace of the world depend to a great extent on such clarity and rectitude.

Moreover, only Governments can enter into political negotiations. When humanitarian groups enter into political negotiations with illegal armed groups, they are not conforming to the basic principles of humanitarian work — neutrality, impartiality and transparency — and are giving such illegal armed groups an undue status that tends to put them on an equal footing with legitimate democratic Governments.

We reaffirm our conviction that the only effective way of protecting the whole population is to put an end to armed conflicts. That is why the Colombian Government has requested the Secretary-General to use his good offices to urge the illegal armed groups operating in Colombia to immediately cease hostilities, thus creating room for negotiations to find a peaceful solution to the country's problems of violence. Then the United Nations will have the principal duty of demanding and supporting procedures to carry out that intention.

The best way of ensuring adequate protection for civilians threatened by illegal armed groups is — as I said — to restore the democratic State's legitimate authority, ensuring territorial control on the part of the institutional armed forces. Colombia is a clear example. Since the current Government was established, the numbers of displacements, massacres and attacks against population centres have dropped significantly. Thus, between 2002 and 2003, the forced displacement of persons decreased 48 per cent, massacres decreased 37 per cent and attacks against population centres decreased 80 per cent. The threat of a humanitarian crisis has been contained. That shows that the Government of Colombia must be the principal ally and interlocutor of the United Nations in assisting civilians at risk. To that end, we are fully prepared to ensure the launching of relevant programmes.

The statements about my country in paragraph 41 of the Secretary-General's report are inaccurate, and we do not understand the reasons for them. The President of Colombia has often referred to our nation's willingness to work with the United Nations in various scenarios. The Under-Secretary-General for Humanitarian Affairs recently visited the country, a visit which was called "fruitful" by the Secretariat because of agreement on strengthening cooperation between the United Nations and the Government of Colombia to assist victims of the conflict. A coordinated focus was also established to examine and resolve items related to humanitarian access to civilian populations in need. This was done because access to assist victims of strikes by illegal armed groups is very different from access to carry out dialogue with such groups. We must be clear about the fact that displacement is part of the military strategy of these illegal armed groups, which they use for multiple reasons, including to establish contacts with international bodies and align themselves with them in order to enhance their political status, without putting an end to their strategy of forced displacement or artificial displacement.

It is also important to point out that in the Colombian situation illegal armed groups maintain a territorial presence in some areas of the country, but do not dominate them; this reaffirms the inappropriateness of establishing dialogue to achieve humanitarian access under the misleading argument that such groups exercise territorial control.

Also surprising is the statement in paragraph 41, according to which there is an adverse impact on humanitarian efforts when non-State armed actors are designated as terrorist groups. It is the international community that so labels them, not a whim of our Government. Today, terrorism is a clearly defined phenomenon, whose devastating effects are all too well known worldwide; hence the global commitment to decisively fight that scourge, strictly observing international humanitarian law and human rights. Appeasing terrorists would run counter to current history.

Finally, we do not think it is for the United Nations to certify some sort of "good conduct" on the part of terrorist, drug trafficking or organized crime groups for the purpose of engaging in future peace negotiations. That would reinforce the idea that violence against the civilian population pays and contributes benefits so long as certain minimum requirements are met to allow humanitarian assistance.

What is right and what our Government expects is decisive United Nations support for the legitimate efforts of democratic Governments to end terrorism, resolve their conflicts and restore peace.

The President: I call next on the representative of Canada.

Mr. Rock (Canada): I have the honour today of speaking on behalf of Canada, Australia and New Zealand. I first want to thank the Philippines for hosting this open debate, and to thank as well the Secretary-General and the Emergency Relief Coordinator for their candid and compelling reports on this subject of enormous importance.

I will devote my remarks today primarily to the Security Council's role in protecting civilians in armed conflict. The record shows that over the past five years, the Council has made critical strides in adopting a range of measures that recognize the complex nature of contemporary conflict and the fact that the plight of civilians must be effectively addressed as part of any comprehensive international response.

However, despite that progress, the international community has in past months witnessed the deliberate targeting, displacement and abuse of civilians by parties to more than two dozen conflicts, all displaying a shocking disregard for international human rights and humanitarian law. We have also witnessed the abuse of those no longer taking active part in hostilities. Recent experience has also demonstrated that peace agreements do not, in and of themselves, provide sufficient protection to civilian populations.

In December 2003, the Council (see S/PRST/2003/27) reaffirmed its central commitment to civilian protection and asserted its intent to use the aide-memoire and the 10-point plan then before it to make Council responses more effective in this regard. Today's debate affords the first opportunity to measure the Council's actions against that pledge. Regrettably, we can only conclude that a significant gap remains between Council commitments and concrete action. Let me identify four examples.

First, we note that lack of access and lack of security remain the greatest obstacles to effective humanitarian action — obstacles that, at least in part, the Council has the authority to publicly recognize. The Council and the General Assembly have it within their power to declare any country where United Nations and associated staff operate to be at exceptional risk. Such a decision would provide those personnel with enhanced legal protections. But even in situations such as that in Afghanistan, where five aid staff working for Médecins sans frontières were recently murdered, a declaration of exceptional risk has not been made, despite the Council's August 2003 commitment (see resolution 1502 (2003)) to make better use of this tool. Accordingly, Canada, Australia and New Zealand urge the Council to make such declarations in appropriate cases.

The second example is the issue of the Council making more frequent use in appropriate cases of powers within its authority to assist efforts on the ground. For example, in West Africa rebels continue to move across borders, and there are difficulties in implementing sustainable disarmament, demobilization, rehabilitation and reintegration programmes. These problems are worsened by the absence of monitoring mechanisms to enforce arms embargoes and by the Council's all too infrequent use of both monitoring and such embargoes to suppress conflict and to sanction those who would seek to benefit from the economy of war.

Thirdly, the Council's failure to systematically condemn widespread instances of sexual and gender-based violence in specific conflicts also means that actions to address such violence, including improved monitoring and reporting and physical protection, remain unsupported.

Fourth, and still more troubling, is the fact that the Council continues to resist responding to conflicts of which it is not formally seized, despite documented evidence in many cases of grave violations of human rights and of humanitarian law. This sends a troubling message with respect to impunity and compliance with international norms.

The situation in Darfur, the Sudan, is a particularly egregious example of that reluctance. On 25 May the Security Council finally adopted a strong presidential statement (S/PRST/2004/18) on the conflict in Darfur, but that was more than five months after aid agencies had begun actively raising the alarm and two months after fact-finding experts of the Commission on Human Rights and the Emergency Relief Coordinator had expressed their gravest concerns. Prior to the statement's adoption, the Council had in fact received only informal briefings on the crisis, and the presence of relevant actors to provide

those briefings was facilitated grudgingly and only after considerable procedural wrangling.

We appreciate that the Security Council is now seized of the situation in Darfur. We hope and expect that the Council will follow up appropriately. In our view, the Security Council should call on the parties to do everything in their power to end war crimes and crimes against humanity committed in that region, to prevent the commission of further crimes and to bring to justice those who are responsible. The Security Council should also call on the parties to the conflict in Darfur to respect international obligations on the protection of civilians in armed conflict, to grant safe and unhindered humanitarian access, to disarm the militias and to ensure the safe and voluntary return of the displaced persons.

In our respectful view, the Security Council has been too slow to respond to the emergency in Darfur. Such inexcusable delays put at risk the lives of those that the Council is charged with protecting. The Council's moral authority is underpinned by its willingness to respond effectively and promptly to threats to international peace and security. To preserve and to enhance that authority, it must demonstrate greater resolve in addressing even sensitive and politically challenging situations. We stress that some of the key tools required for a more effective response are already at the disposal of the Council. We encourage the Secretary-General and the Emergency Relief Coordinator to continue to bring to the Council's attention serious situations that are not on its formal agenda, as was recently done in the case of northern Uganda.

In urging more resolute action, we also hope to prompt more creative efforts. We recognize that not all actions can or should be public. Other measures can be considered, such as discreet Council fact-finding missions and communications between the Council President and the parties to a conflict. Canada, Australia and New Zealand also fully support the graduated approach outlined by the Secretary-General in paragraph 39 of his report. Some existing Council resolutions help identify needed triggers for response. One thinks of paragraph 10 of resolution 1265 (1999) in that regard. We fully believe that the Council can meet these important challenges; the report of the Secretary-General lays out several key recommendations in that regard.

Canada, Australia and New Zealand welcome the attention given in the Secretary-General's report to regional dimensions and responses in the protection of civilians. The creation of a culture of protection requires that norms developed by the Council be adapted to regional realities and be reflected in coherent frameworks for action. My own country, Canada, has therefore been pleased to work with the Office for the Coordination of Humanitarian Affairs in sponsoring regional seminars on the protection of civilians, the most recent of which was held with hemispheric partners in Mexico this past March.

We fully endorse the Secretary-General's call for the Security Council to commission a study aimed at improving the monitoring and reporting of cross-border issues in crisis and post-conflict situations. With reliable data, the Council, in partnership with regional actors, will be better placed to respond in a more effective and timely manner to violence against civilians. A key issue that must be addressed in this context is the presence of armed elements and combatants in refugee camps and settlements and its potential to undermine regional stability. Again, my own country, Canada, was pleased to fund the experts meeting noted in the Secretary-General's report, and we encourage United Nations agencies to bring this issue to the Council for its information and action, when needed.

Regional institutions and mechanisms must also be strengthened and engaged on the protection agenda. In the Pacific, Australia and New Zealand, together with other members of the Pacific Islands Forum, have been active in mounting regional responses to security crises, including most recently in the Solomon Islands. Canada is proud to work with the African Union on the establishment of an African Union special representative for the protection of civilians. The creation of that office opens up the possibility that there will be an engaged and effective African advocate for war-affected populations across the continent. We regard that as an exciting development, and we encourage the Security Council to establish ongoing communication with the new mechanism.

(*spoke in French*)

The Secretary-General has outlined many concrete measures that can be taken to strengthen the Council's ability to respond to threats to civilians in armed conflict. However, tools such as enhanced monitoring are useful only to the extent that the information transmitted is acted on.

Allow me to address the question of impunity. The implementation of a culture of protection also requires that attacks against civilians be recognized as crimes and that those guilty be punished. The Security Council and Member States bear a special responsibility, requiring them to ensure that those who perpetrate crimes against civilians participating in United Nations operations are brought to justice. In that connection, we vigorously support efforts to extend the scope of the Convention on the Safety of United Nations and Associated Personnel so that civilian personnel employed in United Nations operations will enjoy the protection provided by the Convention.

(*spoke in English*)

In conclusion, Canada, Australia and New Zealand urge the Council to give full consideration to the report before it and to respond quickly to those areas identified for follow-up. In that regard, we call on the Council to consider adopting a new resolution on the protection of civilians in armed conflict — one that will be aimed at addressing gaps in the current agenda. Canada, Australia and New Zealand will remain actively engaged and supportive of those efforts.

Ultimately of course, Member States themselves must take primary responsibility for ensuring the protection of their own people. Indeed, as argued in the recent report of the International Commission on Intervention and State Sovereignty, entitled *The Responsibility to Protect*, this is a responsibility implicit in the very concept of State sovereignty. Much more can and should be done by Member States. But when they fail to assume their responsibility, the Security Council must act. It is evident that the Council can and must do more.

This morning, the Emergency Relief Coordinator reminded us of the international community's failure to exercise our collective responsibility to protect civilians in Rwanda a decade ago. Clearly, much work remains to be done to ensure that a similar tragedy will never happen again. The Council will ultimately be judged on its ability to prevent such circumstances and to protect the most vulnerable. It is a challenge that we simply must meet.

The President: I now give the floor to the representative of Liechtenstein.

Mr. Wenaweser (Liechtenstein): The report of the Secretary-General (S/2004/431) before the Council today illustrates both the significant progress that the international community has made since the adoption of Security Council resolution 1265 (1999) some five years ago and the extent to which the agreed standards and their implementation are still at odds. The 10-point platform presented by the Under-Secretary-General last December is a very good basis for advancing our efforts in that respect.

I shall limit our statement today to three points related to the platform. They all revolve around the role of international legal standards, a matter which seems to us to be of particular importance at this time.

While some time ago we shared the hope expressed by the Secretary-General that the international community was about to enter an era of the rule of international law, unfortunately, we must conclude that quite the opposite has been the case and that the standing of international law is in greater jeopardy than ever. While that is sadly the case in many areas, the effects of this trend are rarely ever more devastating than in the field of the protection of civilians. It is therefore most appropriate that the treaty event during the upcoming session of the General Assembly will be devoted to legal instruments relating to the protection of civilians. However, ratification — ideally universal — of the relevant instruments is only a first step; more than anything else, we must reverse the disturbing trends concerning application and implementation that we have witnessed in the recent past. Civilians have increasingly been bearing the brunt of the catastrophic consequences of armed conflicts, both internal and international, and we must not allow a breakdown of the internationally agreed legal standards to make their situation even more desperate.

With regard to the security of humanitarian personnel, events of the recent past have been alarming indeed. The emblems of the United Nations and the International Committee of the Red Cross — far from offering the protection they used to in what seems a distant past — have been deliberately chosen as targets of attack. Practical measures and thoughtful political decisions must constitute the core of the response to these developments, and we are grateful that the Secretariat is tackling its responsibilities in this respect with renewed determination. At the same time, legal protection must also be adequate and we are therefore grateful that the report of the Secretary-General also

speaks of the need for supplementary legal measures to expand the scope of the 1994 United Nations Convention on the Safety of United Nations and Associated Personnel. As the Chairman of the Ad Hoc Committee entrusted with this task, I am hopeful that the General Assembly will soon be in a position to make a decision on these measures, which are overdue indeed.

Combating impunity ranks rightly among the topics in the 10-point platform. We support the Secretary-General's decision to appoint a Special Adviser on the Prevention of Genocide as an expression of a practical commitment to preventing any repetition of the failure of the international community, and the Security Council in particular, with regard to the genocide in Rwanda 10 years ago. We also welcome the call of the Secretary-General for universal ratification of the Rome Statute of the International Criminal Court. This landmark achievement in the area of international law allows for the effective criminal prosecution of the perpetrators of genocide, as well as the other core crimes over which the Court has jurisdiction, in cases — and only in cases — where national judiciaries fail, for reasons of inability or unwillingness, to live up to their own responsibility to prosecute. We also share the hope expressed in the report that the Council will avail itself of the competence given to it under the Rome Statute to refer situations to the Prosecutor of the Court where the necessary requirements for such referrals are met. This would be a most effective expression of the commitment of the Council to combating impunity for the most serious crimes under international law.

If the risks that civilians are exposed to in armed conflicts have exponentially increased in the past few years due to their deliberate targeting, these risks are further compounded by the active involvement of non-State actors in such armed conflicts. Such groups must not be allowed to operate in a legal vacuum and must be held to fundamental standards with regard to granting humanitarian access, as well as other standards of international humanitarian and human rights law. This must apply not only to armed groups in a more traditional sense — that is, to independent parties to conflicts — but also to the privatized military industry, whose impact and involvement have been growing dramatically over the past few years and will likely continue to do so. Their presence and activities also carry the risk of blurring the line of distinction between civilians and military personnel, which would entail an additional element of risk for civilian populations. These issues must be addressed with resolve, in both legal and practical terms; with respect to the latter, the Security Council in particular is challenged to address these issues effectively.

The President: I now call on the representative of South Africa.

Ms. Ndhlovu (South Africa): My delegation wishes to thank you, Sir, for convening this open debate on the protection of civilians in armed conflict and would also like to commend the Under-Secretary-General for Humanitarian Affairs, Mr. Jan Egeland, for a useful, comprehensive and constructive briefing on the Secretary-General's report.

My delegation welcomes and supports the focus in the Secretary-General's report on the value of addressing the regional character of protecting civilians, together with the important aim of building capacity within regions to ensure the continued protection of civilians. The Secretary-General's specific appeal for the establishment of a framework for the United Nations to engage with regional organizations on a more systematic basis on humanitarian issues related to protection is therefore strongly supported.

My delegation would, however, like to emphasize the need for regional and subregional bodies to be closely involved from the earliest stages, not only in efforts to address the humanitarian needs of civilian populations caught up in armed conflict situations, but also in efforts to provide early warning of potential conflicts, conflict resolution and mediation initiatives before conflict commences.

We further believe that the Secretary-General's endeavours to strengthen inter-agency coordination within the United Nations system in an effort to promote a system-wide approach in addressing the issues of the protection of civilians are worthwhile, since every agency brings distinctive skills and expertise to each specific situation.

The continued engagement of the international community is critical when addressing the issue of the protection of civilians in armed conflict so as to ensure the necessary political support and other resources. General Assembly resolution 46/182, amongst others, highlights the important value that humanitarian

assistance should be provided in accordance with the principles of humanity, neutrality and impartiality and consequently that assistance should not be given based on geopolitical considerations.

We are therefore convinced that the international community must continue to address and condemn the disturbing trend of increased attacks on humanitarian workers who facilitate humanitarian access to civilians. In this regard, it is critical to ensure the continued commitment of Governments to prosecuting perpetrators of these heinous acts, but also to ensure that local communities are involved in the planning of United Nations activities.

One of the most pressing humanitarian crises in the world today is taking place in the occupied Palestinian territories, including East Jerusalem, where Palestinian civilians continue to suffer the daily humiliations and restrictions brought about by an illegal foreign occupation. They also bear the brunt of ongoing, disproportionate and excessive use of force by the Israeli military. In the Gaza Strip town of Rafah, 45 Palestinian civilians, including 10 children, were killed and a further 200 people wounded by the Israeli army between 13 and 24 May 2004. Hundreds of homes and shops were demolished and agricultural land was destroyed ahead of a proposed withdrawal of Israeli forces from the Gaza Strip. We trust that the United Nations will intervene to ensure that the Palestinian people receive the humanitarian assistance they need to reverse this damage.

The suggestion of the Secretary-General that a study be commissioned on how to improve modalities for monitoring and reporting cross-border issues in crisis and post-conflict situations is noted. It is hoped that such a study will be done by consulting all relevant role-players. In this regard, stronger consultations with subregional organizations, such as the Economic Community of West African States and the Southern Africa Development Community, as well as regional institutions, such as the Peace and Security Council, which is part of the New Partnership for Africa's Development, become essential. However, initiatives aimed at the protection of civilians and humanitarian assistance at the subregional and regional levels should not lead to an abdication of the responsibilities of the United Nations system, but should be carried out in partnership with those regional mechanisms.

Addressing the specific protection needs of women and children remains an important matter for the United Nations system. The important steps of involving women in all aspects of peace-support operations and of appealing to personnel-contributing countries to ensure adequate training of personnel as to the specific needs of women and children, prior to deployment, is welcomed and supported.

My delegation looks forward to the report of the Under-Secretary-General for Humanitarian Affairs on an enhanced monitoring and reporting framework, scheduled for December 2004, which will provide a more empirical basis for reviewing emerging challenges to humanitarian action and their impact on the protection of civilians. We would urge that consultations with Member States in that regard be held on an inclusive basis.

Recognizing that the emergence of these new challenges demands that the international community should actively and collectively address these issues, my delegation hopes that this will be done in a way that increases respect for the principles of international humanitarian law, human dignity and the legitimacy of the United Nations.

The President: I give the floor to the representative of Malaysia.

Mr. Rastam (Malaysia): My delegation joins others in congratulating you, Sir, on your assumption of the presidency of the Security Council for this month. We also wish to pay tribute to your predecessor, the Permanent Representative of Pakistan, for his stewardship of the Council last month.

I wish to thank you, Mr. President, and members of the Council for having convened this public debate on the important issue of protection of civilians in armed conflict. I also thank and congratulate the Under-Secretary-General for Humanitarian Affairs, Mr. Jan Egeland, for his presentation of the comprehensive report of the Secretary-General to the Security Council on the protection of civilians in armed conflict, which examines the issues outlined in earlier reports and resolutions of the Council.

In that regard, my delegation is encouraged by the report, which has identified specific ways in which performance in the protection of civilians can be further improved. This examination will give rise to further discussions that should assist the Council and

the other principal organs of the United Nations -- the General Assembly and the Economic and Social Council — in reaching a consensus on the issues at hand.

The alarming increase in the number of civilians caught up in armed conflicts is cause for concern for the international community. Civilians have been displaced and are struggling to survive in harsh conditions. Many have been killed or subjected to extreme human rights violations, including rape and sexual violence. In Iraq, the increasingly serious threats to security and the continued fighting have resulted in more civilian deaths and injuries. Civilian detainees have been subjected to torture and to other serious violations of human rights and international humanitarian law. The continued deterioration of the situation in the occupied Palestinian territories, including East Jerusalem, as a result of escalating violence and military attacks, as well the blatant disregard of international law by Israel, has caused civilian deaths and sufferings.

In these conflicts, women, children, the aged and the infirm continue to be the most vulnerable groups. They constitute some 90 per cent of conflict casualties around the world. This is a deplorable development. Such inhumane acts committed against those groups are unacceptable and must be condemned in the strongest possible terms. The perpetrators of these criminal and cruel acts must be brought to justice to put an end to the culture of impunity that is so pervasive in so many areas of armed conflict around the world.

My delegation believes that the protection of civilians in armed conflict should be all-encompassing. The affected civilians should not only be assured of their physical security in situations of armed conflict but also be provided with legal protection under international law. This point is underscored by the Secretary-General in his report. There are in existence a number of international instruments and conventions that provide the legal basis for the protection of civilians. It is important that the perpetrators of war crimes and crimes against humanity be made accountable for their actions and face the full penalty of the law even after the conflict is over. The international community must collectively demonstrate its resolve to punish those responsible.

My delegation reiterates its condemnation of the direct attacks on United Nations staff and other humanitarian personnel in Iraq, particularly the bombings of the United Nations and International Committee of the Red Cross (ICRC) headquarters in Baghdad on 19 August and 27 October 2003, respectively. The killing of 27 United Nations staff members and the assault on more than 426 others mark a disturbing trend of disregard for humanitarian principles and a deliberate targeting of humanitarian workers for political or tactical purposes. The perpetrators of such attacks must be held accountable, as affirmed in Council resolution 1502 (2003) of 26 August 2003.

My delegation is concerned over the continuing obstructions placed against humanitarian access to people in need of food, water, shelter and medical care in conflict situations. The statistics are far from encouraging, in Africa and elsewhere. In the occupied Palestinian territories, humanitarian assistance for 3.5 million civilians has been severely affected following the construction of the wall by Israel. This has had a profound humanitarian impact on civilians by separating the inhabitants of Palestinian communities from their jobs and markets and severely limiting their access to food, water and power supplies and essential social services, including schools and hospitals.

I urge the Council to take effective measures to protect the Palestinian civilians, who have long suffered under harsh and brutal Israeli occupation. The Council has to agree that the protection of Palestinian civilians forms the very essence of the question addressed by the Council today, given its longstanding nature.

The protection of civilians in armed conflict requires a comprehensive approach on the part of the international community, including through regional approaches. It also requires coordinated and concerted efforts on the part of all concerned — Governments, the parties in conflict, peacekeepers, United Nations humanitarian workers, and the personnel of other international relief agencies and non-governmental organizations. They are indispensable partners in the field. While performing its own specialized duties, each plays a supportive and reinforcing role in ensuring the physical, legal and psychological protection and well-being of the hapless civilians caught up in the trauma of armed conflict.

The observations made by the Secretary-General in his report must be seriously attended to in order to

strengthen the mechanisms already agreed in the past by the Council for the protection of civilians in armed conflict. Malaysia fully supports the emphasis on reaffirming the commitment to the principles of international law based on justice, the peaceful settlement of disputes and respect for human dignity.

The President: I give the floor to the representative of Myanmar.

Mr. Kyi Tun (Myanmar): At the outset, allow me, Sir, to congratulate you on your assumption of the presidency of the Council for this month. I wish to thank you for giving me the opportunity to participate in this open debate on such an important issue.

I would like to join preceding speakers in expressing our thanks to Mr. Jan Egeland, Under-Secretary-General for Humanitarian Affairs, for his comprehensive briefing on protection of civilians in armed conflict as well as for his dedicated efforts to further promote a culture of protection.

Armed conflicts breed a cycle of violence and bring untold suffering to innocent civilians in many parts of the world. It is most regrettable that even United Nations staff and humanitarian workers fall victim to armed conflict. Given the gravity of the humanitarian impact of armed conflict, my delegation appreciates the proposals and initiatives put forward by the Office for the Coordination of Humanitarian Affairs to better protect civilians in armed conflict, particularly at a time when humanitarian challenges are becoming more complex.

The restriction of humanitarian access to innocent civilians in some conflict zones is one of the key issues confronting the humanitarian community today. We feel that the primary responsibility for protecting civilians lies with the Government of the country concerned and with the parties involved in a conflict. Both Governments and non-State actors must abide by international humanitarian law and must do their utmost to fulfil their obligations to protect civilians — including humanitarian and relief personnel — from harm. In that regard, the Council should take a cooperative approach to secure their collaboration in gaining improved humanitarian access and to avoid further effects on civilians.

In the view of my delegation, the best way to protect civilians in an armed conflict is to resolve the conflict's root causes and to bring the conflict to an end. In my own country, soon after we had regained our independence, we had to face numerous insurgencies, with all their negative consequences, for more than 40 years. Until a few years ago, there were 18 insurgent groups in Myanmar, and our country and its people suffered. However, owing to the Government's national reconciliation endeavours, 17 insurgent groups came back into the legal fold. We were also able to forge a ceasefire agreement with the last remaining armed group, the Karen National Union.

As a result, we were able to end the armed conflict successfully, and peace and stability now prevail throughout the country. The armed groups that came back into the legal fold are now working together with the Government for the development of their respective regions. They are also taking part in the national convention that will lay down the principles for a new constitution. Our national experience has convinced us that the most effective means to protect civilians in armed conflicts is to end the conflicts through peaceful solutions.

My delegation hopes that the Security Council will be able to further develop appropriate measures to promote the effectiveness of United Nations humanitarian work in accordance with the Charter. In conclusion, my delegation wishes to reaffirm its continued support for United Nations efforts in promoting a culture of protection in armed conflict.

The President: I now give the floor to the representative of Nepal.

Mr. Thapa (Nepal): At the outset, allow me to congratulate you, Sir, on your assumption of the presidency of the Security Council for this month. I wish to express my sincere appreciation to you for holding this open debate on the report of the Secretary-General to the Security Council on the protection of civilians in armed conflict (S/2004/431). The Secretary-General deserves our sincere appreciation for preparing that comprehensive report. My delegation would also like to thank Mr. Jan Egeland, Under-Secretary-General for Humanitarian Affairs, for presenting the report this morning.

His Majesty's Government of Nepal attaches great importance to the humanitarian work that the United Nations has been doing for years. Millions of people around the world have benefited from the humanitarian assistance that has been provided to the victims of both man-made and natural disasters.

Nepalese people who have been affected by natural calamities have also received humanitarian assistance from the United Nations and from other donor communities at various times.

A violent attack on innocent civilians by illegal armed groups, with an easy escape from the arms of the law, is a common phenomenon of armed conflict in the contemporary world. The situation is compounded by the fact that, more often than not, these groups — for a variety of reasons — do not come under scrutiny. Innocent civilians very often must lend their support to such groups at gunpoint, and those who stand in the way are subjected to mutilation, killing, rape or torture in full view of the public. In most cases, these groups also resort to such inhuman methods as forcing the kith and kin of the victim to be fed the victim's flesh. We are also concerned about the use and exploitation of refugee status by illegal armed groups in various parts of the world, as a result of which socio-economic and peace and security situations have been further aggravated.

The international community could significantly reduce the number of armed conflicts if it engaged in preventive diplomacy to address the issues of poverty and exclusion well before they escalate into conflict. Nepal has consistently supported the view that the General Assembly and the Economic and Social Council should play a much more effective and enhanced role for the protection of civilians in internal conflicts.

With regard to the 10-point platform for action, my delegation appreciates the efforts of the Secretary-General in preparing that proposal. We also subscribe to the view that, in humanitarian assistance, priority must be accorded to the work of protecting the civilian population, especially women, children and other vulnerable groups.

The delegation of Nepal shares the view that any humanitarian assistance provided by the international community to a particular country to address suffering — be it occasioned by natural disaster or by man-made disaster — should be provided only with the consent of the State concerned and in accordance with the Charter of the United Nations. Efforts to gain access to illegal armed groups should in no way infringe on the principle of State sovereignty.

Nepal is concerned over the increased attacks against United Nations humanitarian personnel in the field, and we strongly support efforts to ensure their safety and security. Nepal is a party to the 1994 Convention on the Safety of United Nations and Associated Personnel, and is actively taking part in the ongoing efforts in the Sixth Committee of the General Assembly to broaden the scope of that Convention.

His Majesty's Government of Nepal is committed to protecting the lives and property of civilians. We would like to assure the Council that, for our part, we will spare no effort to bring to justice the perpetrators of crimes.

The President: I now give the floor to the representative of Ecuador.

Mr. Gallegos Chiriboga (Ecuador) (*spoke in Spanish*): Permit me at the outset to congratulate you, Sir, on your assumption of the presidency of the Security Council for this month. Your diplomatic skill and great experience are a guarantee of your beneficial work within this United Nations organ. In addition, my delegation wishes to thank Mr. Jan Egeland, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, for presenting this morning the objective and substantive report of the Secretary-General to the Security Council on the protection of civilians in armed conflict (S/2004/431).

I am grateful for the opportunity given my delegation to address this important United Nations organ and to express our concerns and our views on one of the most momentous problems afflicting the international community. Undoubtedly, this problem is most appalling and abhorrent, because it reflects conduct that is absolutely foreign to humanity's most basic ethical and moral principles and that is diametrically opposed to all considerations and principles established by humanity throughout the centuries as the basic premises of civilized coexistence. Among them, we must give priority to respect for life, for human dignity and for the rights that belong to and protect men and women, children and the elderly, prisoners, displaced persons and refugees — in short, every member of the human race — in times of peace and in times of war. This momentous problem, which the international community must face urgently, firmly and enduringly, relates to the situation of civilian populations in armed conflicts, who suffer the worst and most unimaginable atrocities, which are revolting to human dignity and to the human conscience and rend the social fabric of nations.

Until recently, wars and conflicts took place mainly between States, which to some extent observed

international law and international humanitarian law — with exceptions, of course. However, internal conflicts have now proliferated all around the world, but mainly in the developing world, with total disregard and disrespect for international law. They are tragic, and they prey on populations, societies, cultures and the future of many nations, subjecting women and children to violent atrocities by recruiting them for evil commercial and economic interests, mainly foreign, by breaking up entire families and by destroying the fundamental nucleus of any society — the family. Even worse, all these atrocities are committed primarily in nations whose people during a great part of their history have faced merciless enemies like hunger, poverty and unsanitary conditions while being mere spectators of the devastation of their natural resources by outside forces.

It is time for the international community and the United Nations to show strong political will and attach the highest priority to facing, mitigating and, whenever possible, eliminating all atrocities that every day drown entire societies in pain and despair in full view of the distant and impassive eye of those who have the power to stop them and to end the rampant impunity of their authors.

The report of the Secretary-General on the protection of civilians in armed conflicts, contained in document S/2004/431, is eloquent and reveals a tragic reality. Its contents must shake the collective conscience of the international community, especially of States that, although they are in a position to make a timely and significant contribution to the financing of United Nations stabilization, peacekeeping and humanitarian assistance operations, do not do so. They ignore the fact that, in zones where armed conflict occurs, human lives are lost every day, and every day the whole international legal system is further damaged and debilitated.

Could it be that Chapters V, VI and VII of the Charter are not enough to ensure rapid and effective United Nations and Security Council action to maintain international peace and security and impose the rule of international law? Or could it be, perhaps, that political interests of various sorts have more weight than the legal system whose formulation and adoption cost the international community of nations so much effort?

The Secretary-General states very clearly in his report that,

> "In the five years since the framework to strengthen the protection of civilians in armed conflicts was initiated, the system of public international order has been under unprecedented pressure",

and that

> "... multilateral approaches to peace and security have been challenged. Greater public and international awareness of the Geneva Conventions on the conduct of war and the Additional Protocols thereto has not been translated into action. In the 18 months since the issuance of my last report, the very fundamentals of international humanitarian law and human rights have been under great pressure and there are concerns that counter-terrorism measures have not always complied with human rights obligations." (*S/2004/431, para. 57*)

To that end, Ecuador welcomes the Secretary-General's decision to appoint a Special Adviser on the Prevention of Genocide in order to provide the Organization with a better early warning system in situations that cause concern and to improve the basis of action of the United Nations. At the same time, it supports his call to ensure that "large-scale or systematic international crimes do not go unchallenged and are prevented or stopped as early as possible" (*para. 39*).

Ecuador also agrees with his statement that "The need for reconciliation in post-conflict situations must be tempered with a clear commitment to ending impunity for serious violations of international humanitarian law and human rights law" (*para. 55*).

It is up to the Security Council, in accordance with its mandate under the Charter of the United Nations and with the commitment undertaken on the elements of the 10-point platform that the Under-Secretary-General for Humanitarian Affairs presented to the Council in December 2003, to strengthen the protection of civilians in armed conflicts. Otherwise, the whole international legal framework could be derailed and violence and discrimination could spread all over the world, not only for ethnic, racial, religious, cultural or political reasons, but, above all, because of the hunger, poverty and despair of the population of three fourths of the world.

Let us be consistent and act in accordance with the highest ideals that led the States Members of the

Organization to endorse the Charter. We the peoples of the United Nations should strengthen international instruments, broaden the scope of their application and find suitable mechanisms to ensure that those legal instruments bind not only the States members of the international community but also the irregular groups that use, exploit and commit atrocities against human beings and civilian populations. Let us repudiate the participants in conflicts who violate moral and ethical principles and the legal norms related to civilian populations.

The President: I call next on the representative of Côte d'Ivoire.

Mr. Djangone-Bi (Côte d'Ivoire) (*spoke in French*): The delegation of Côte d'Ivoire wishes first, through me, to express heartfelt congratulations to you, Sir, on your assumption of the presidency of the Security Council and its sincere best wishes for success. We also thank you for including our delegation in today's debate on the sensitive and important subject of the protection of civilians in armed conflict.

The Secretary-General has recently issued, once again, an edifying report (S/2004/431) on this item, eloquently presented by Mr. Jan Egeland, Under-Secretary-General for Humanitarian Affairs, in his introductory briefing. We thank them both for persevering in their noble effort to keep the Council and Member States focused on this issue, safeguarding which is a basic component of international peace and security.

As a party to the Charter and the Geneva Conventions, as well as all other international instruments relative to international humanitarian law, human rights and refugee rights, Côte d'Ivoire, a country with a long-standing tradition of hospitality and despite the vicissitudes of its recent history, has always upheld the protection of the lives and the property of its people and its visitors. As it says in our national anthem, in peace, freedom is restored. Ivorians feel the unshirkable duty of conscience to persevere in their noble ambition to forge, united in their new faith, a homeland of genuine brotherhood, and, as the national anthem also says, to be a model of mankind's promised hope.

The treacherous war that has been imposed on Ivorians since 19 September 2002 serves only to confirm that obligation, and the international community, headed by the Security Council, remains mobilized in contributing to the resolution of this crisis.

Moreover, the crisis and the concrete assistance provided by United Nations Member States have also provided Ivorians with some lessons, some of which I would like to share with Council members within the context of this debate on the protection of children in armed conflicts.

The most common armed conflicts of recent decades have been defined as internal. They generally pit States against armed groups made up mostly of national and foreign mercenaries. Even in a worsening domestic security situation following the outbreak of conflict, States are bound to respect and to implement the conventions and treaties relative to the protection of civilians in armed conflict to which they are parties. But the same does not seem to be true for rebel groups. That asymmetry is problematic, and I believe it requires of the United Nations and the Security Council prompt humanitarian intervention, which I would categorize as being for maintenance and restoration, when conflict breaks out, as called for by the Secretary-General.

It seems to me that we must then proceed to the determined implementation of the action plan, of which the Council adopted an updated version on 15 December 2003 (see S/PRST/2003/27). Finally, we need to take and strengthen effective measures and approaches for the prevention of armed conflict, for which the Secretary-General has been calling for almost six years. Even if international criminal tribunals do eventually provide justice to civilian survivors of such conflicts, they cannot bring back the dead or make the physically and psychically handicapped whole again. We are all familiar with the popular and universal saying that an ounce of prevention is worth a pound of cure.

After armed conflicts, the sustainable protection of civilians must be integrated judiciously into post-conflict reconstruction, carried out and gradually achieved in conjunction and long-term harmonization with the relevant comprehensive actions and resources of States and the international community, and always proportionate to need. The strategy of political, economic and social post-conflict reconstruction must include a cultural, civic and ethical dimension as a fundamental component, rather than as a mere

ritualistic afterthought. The overall costs of these substantial measures are so high and their effects are of such unproven social utility and duration that they recall us to our fundamental obligation to prevent armed conflict.

Implementing all the measures articulated by the Secretary-General in his memorable report of 7 June 2001, contained in document S/2001/574, which member States have always collectively supported in this Chamber, could make a positive contribution to conflict prevention. The safeguarding of international peace and security, more than its mere effusive promotion, is the highest priority accorded to the Security Council in the United Nations Charter by "we the peoples" and requires a vigorous and voluntary conflict prevention programme wisely wedding collective actions to scrupulous respect for State sovereignty.

The President: I shall now give the floor to Mr. Egeland to respond to the comments raised.

Mr. Egeland: I am very grateful for the continued support that members of the Security Council and other member States have expressed throughout today's debate on the protection of civilians. This debate has underlined the importance of mainstreaming protection, providing a clear focus for future action and addressing some of the critical gaps in implementation.

Time does not permit my going into all the important proposals made by speakers today. Let me address only a few points.

The issue of engagement with non-State armed groups is, as many Council members have said, a sensitive and complex one. In situations of armed conflict, Governments clearly bear the primary responsibility to provide humanitarian access, to protect civilians and to cooperate with humanitarian agencies. But it is equally clear that there are situations in which Governments alone do not have the capacity to fulfil this responsibility, and consequently the lives and welfare of their civilians are at risk. Where non-State armed groups control or influence access to populations in need of humanitarian assistance and when non-State armed groups actively target civilians, the humanitarian imperative may demand our engagement with them, as when we facilitated the humanitarian ceasefire in Darfur between Government and rebels — an agreement that was mediated by the Government of Chad.

Clearly, any engagement with non-State armed groups must be aimed solely at providing protection and humanitarian assistance to civilians living in areas under their control and must be conducted transparently, neutrally and impartially in a manner that does not in any way legitimize the armed groups concerned. Just as the impartiality and neutrality of humanitarian organizations must be respected by parties to conflict, humanitarian organizations themselves must act in a manner that is above reproach in this regard.

(spoke in Spanish)

As was just noted by the representative of Colombia, I was recently in his country and had very constructive meetings with the Government on the matter of humanitarian assistance and access there.

(spoke in English)

The representatives of several delegations addressed the situation of civilians in the occupied Palestinian territory. I can only reiterate that the violence against civilians in the occupied Palestinian territory and the profound constraints on their lives imposed by the construction of the barrier in the West Bank are issues of grave humanitarian concern, as I said in my opening statement this morning. The attacks in the Rafah refugee camp last month shocked us all. International humanitarian law obviously applies to the situation in the occupied Palestinian territory. In this context, I thank the representative of Pakistan for recalling the Secretary-General's emphasis in his report on the fact that

> "Compliance by all parties to conflict with international humanitarian, human rights, refugee and criminal law is critical in all of these situations, whether they are situations of armed conflict, occupation or transition". (*S/2004/431, para. 3*)

I particularly welcome the unanimous concern expressed in the debate over the issue of sexual and gender-based violence against women and children and the recognition of the need for measures to deal more effectively with this problem. I welcome the support expressed for police- and troop-contributing countries to take measures that will ensure the investigation and prosecution of alleged offenders of sexual exploitation

and abuse, in line with the Secretary-General's bulletin and the current practice of international staff.

I wish to thank Council members for their valuable proposals for moving the protection of civilians agenda forward. I wish to acknowledge the proposal of the representative of Germany that, in addition to the six-monthly briefings on the protection of civilians, the Security Council receive ad hoc briefings from me, as Emergency Relief Coordinator, when grave threats to the protection of civilians in particular situations require it.

(spoke in French)

I welcome the proposal made by the representative of France that the system of cooperation established in response to the Darfur crisis between the Security Council, the Office of the United Nations High Commissioner for Human Rights, the Office of the United Nations High Commissioner for Refugees and the Office for the Coordination of Humanitarian Affairs should serve as a model for other complex emergency situations.

(spoke in English)

The representative of the United Kingdom confirmed the need for clearer mechanisms to support systematic and precise monitoring and reporting from the field on protection of civilians issues. As requested, we will provide an outline for such a mechanism in my next briefing to the Council in December. Several Council members stressed the need to make better use of the aide-memoire. This we see as central to delivering on the protection of civilians in the future.

(spoke in Spanish)

I welcome the support expressed by several members of the Security Council and other member States for a new resolution on protection of civilians in armed conflict. I welcome in particular the message that the next resolution will impose a greater obligation on member States. As the representatives of the United Kingdom, Chile, Germany, France and others have noted, such a resolution should include a strategy enabling us better and more effectively to protect civilians. We must be as strongly committed, innovative and flexible as possible and use a variety of protection mechanisms, some of which already exist while others will be new.

(spoke in English)

In addition to its work with the Security Council, the Office for the Coordination of Humanitarian Affairs will continue to promote this framework with other appropriate organs of the United Nations, as well as work closely with regional bodies and specific member States. The renewed commitment of the Security Council to acting collectively and decisively to protect civilians trapped in situations of armed conflict is needed now more than ever, and we look forward to working closely in this endeavour and to seeing a new resolution from the Council on this.

The President: There are no further speakers inscribed on my list. The Security Council has thus concluded this stage of its consideration of the item on its agenda.

The meeting rose at 5.40 p.m.

United Nations S/PV.4991

Security Council

Fifty-ninth year

Provisional

4991st meeting

Thursday, 17 June 2004, 11 a.m.
New York

President	Mr. Baja	(Philippines)
Members	Algeria	Mr. Benmehidi
	Angola	Mr. Antonio
	Benin	Mr. Adechi
	Brazil	Mr. Valle
	Chile	Mr. Acuña
	China	Mr. Wang Guangya
	France	Mr. Florent
	Germany	Mr. Haupt
	Pakistan	Mr. Khalid
	Romania	Mr. Dumitru
	Russian Federation	Mr. Smirnov
	Spain	Mr. Yáñez-Barnuevo
	United Kingdom of Great Britain and Northern Ireland	Ms. Howe-Jones
	United States of America	Mr. Holliday

Agenda

The situation of Liberia

Report of the Secretary-General pursuant to Security Council resolution 1521 (2003) regarding Liberia (S/2004/428)

Letter dated 1 June 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia addressed to the President of the Security Council (S/2004/396)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

04-39258 (E)

The meeting was called to order at 11.15 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Liberia

Report of the Secretary-General pursuant to Security Council resolution 1521 (2003) regarding Liberia (S/2004/428)

Letter dated 1 June 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia addressed to the President of the Security Council (S/2004/396)

The President: The Security Council will now begin its consideration of the item on its agenda.

The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2004/428, which contains the report of the Secretary-General pursuant to Security Council resolution 1521 (2003) regarding Liberia.

Members of the Council also have before them document S/2004/495, which contains the text of a draft resolution prepared in the course of the Council's prior consultations.

I should like to draw attention to document S/2004/396, which contains the text of a letter dated 1 June 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Algeria, Angola, Benin, Brazil, Chile, China, France, Germany, Pakistan, Philippines, Romania, Russian Federation, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America

The President: There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1549 (2004).

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 11.20 a.m.

United Nations S/PV.4992

Security Council

Fifty-ninth year

Provisional

4992nd meeting

Friday, 18 June 2004, 12.50 p.m.

New York

President:	Mr. Baja	(Philippines)
Members:	Algeria	Mr. Baali
	Angola	Mr. Gaspar Martins
	Benin	Mr. Zinson
	Brazil	Mrs. Viotti
	Chile	Mr. Rehren
	China	Mr. Cheng Jingye
	France	Ms. Cluzel
	Germany	Ms. Iwersen
	Pakistan	Mr. Khalid
	Romania	Mr. Dumitru
	Russian Federation	Mr. Konuzin
	Spain	Ms. Jiménez
	United Kingdom of Great Britain and Northern Ireland	Mr. King
	United States of America	Mr. Olson

Agenda

The situation in Guinea-Bissau

Report of the Secretary-General on developments in Guinea-Bissau and on the activities of the United Nations Peace-building Support Office in that country (S/2004/456)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

04-39535 (E)

The meeting was called to order at 12.50 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in Guinea-Bissau

Report of the Secretary-General on developments in Guinea-Bissau and on the activities of the United Nations Peace-building Support Office in that country (S/2004/456)

The President: I should like to inform the Council that I have received a letter from the representative of Guinea-Bissau in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In accordance with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Cabral (Guinea-Bissau) took a seat at the Council table.

The President: The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2004/456, which contains the report of the Secretary-General on developments in Guinea-Bissau and on the activities of the United Nations Peace-building Support Office in that country.

After consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council:

"The Security Council, recalling its previous statements on Guinea-Bissau, in particular the statement of its President of 19 June 2003 (S/PRST/2003/8), welcomes the report of the Secretary-General dated 4 June 2004 (S/2004/456) on developments in Guinea-Bissau and on activities of the United Nations Peace-building Support Office in that country (UNOGBIS).

"In this regard, the Council expresses its satisfaction regarding progress made by national authorities towards restoring constitutional order, in accordance with the Transition Charter provisions and calendar, in particular the installation of a new National Popular Assembly and a new Government, thus completing the first phase of the transitional process due to end with the holding of presidential elections by March 2005, and generating the environment for growing international confidence and support.

"The Security Council acknowledges, with appreciation, the manner in which the country's principal actors and the political forces managed to reach consensus on critical political challenges they faced during and after the elections and encourages them to stay the course.

"The Security Council also encourages all parties, and the new Government established on 12 May 2004, to faithfully adhere to the provisions of the Transition Charter in order to achieve and consolidate national reconciliation and to ensure the full restoration of constitutional order. It further encourages the authorities to continue to strengthen the rule of law and respect for human rights and to resolve outstanding human rights issues.

"The Security Council commends the national authorities and the people of Guinea-Bissau for their continued commitment and dedication to democracy.

"The Security Council expresses, nonetheless, its concern with the fragility of the democratization process in Guinea-Bissau, due mainly to the country's deep-rooted structural problems, including the weakness of State institutions and structures, as well as persistent economic and social crisis.

"The Security Council further expresses its concern about the need to improve the situation of the military, in particular the payment of salary arrears, which continues to be seen as a potentially destabilizing factor. It welcomes the Government's commitment to make all efforts aimed at addressing the issue of salary arrears and the reorganization of the national armed forces and invites the international community to fully support such efforts.

"The Security Council welcomes the improved dialogue between the Government of Guinea-Bissau and the Bretton Woods institutions and urges the Government to continue to implement its commitments in the areas of fiscal responsibility and good governance. It highlights the importance that those efforts be matched by the resumption of adequate levels of international assistance.

"The Security Council acknowledges and also welcomes the assistance provided to Guinea-Bissau by bilateral and multilateral partners, in particular the United Nations Development Programme (UNDP) and the World Bank, and encourages their enhanced constructive involvement in the country.

"The Security Council underlines the importance it attaches to the organization of a round-table conference to take place in the last quarter of this year, which it considers of utmost relevance to addressing some of the most urgent needs of Guinea-Bissau. In the interim, the Council reiterates its appeals to the international community to contribute financially to the Emergency Economic Management Fund for Guinea-Bissau, managed by the UNDP.

"The Security Council recognizes and commends the work of UNOGBIS and the entire United Nations country team for their outstanding support and contribution to the process of normalization of the political situation and stability in Guinea-Bissau.

"The Security Council reaffirms the importance of the regional dimension in the solution of the problems faced by Guinea-Bissau and, in this regard, welcomes the role being played by the African Union, the West African Economic and Monetary Union (UEMOA), the Economic Community of West African States (ECOWAS) and the Community of Portuguese-Speaking Countries (CPLP) in the peace-building process in Guinea-Bissau.

"The Security Council also commends the efforts by the Ad Hoc Working Group on Conflict Prevention and Resolution in Africa of the Security Council, the Ad Hoc Advisory Group on Guinea-Bissau of the Economic and Social Council and the Group of Friends of Guinea-Bissau aimed at assisting the country to address both its short-term post-conflict crisis and longer-term development goals.

"The Security Council looks forward to conclusions and recommendations of its mission to West Africa, which includes Guinea-Bissau."

The President: This statement will be issued as a document of the Security Council under the symbol S/PRST/2004/20.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 12.55 p.m.